



# 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, APRIL 19, 2011

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

EPA Government Center  
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](http://www.ci.east-palo-alto.ca.us), under the corresponding agenda located on City Council Agenda/Minutes Page. **REPORTS WILL BE ON-LINE ON MONDAY, APRIL 18, 2011**

6:00 P.M.

Regular Joint Closed Session

Regular Joint Closed Session Call to Order

Roll Call: WOODS, ABRICA, EVANS, MARTINEZ,

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

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

2. Joint Closed Session Community Forum: NONE

3. Adjournment into Closed Session

4. **Personnel Matters (Government Code 54957)** (Carlos Romero, Mayor, Stephanie Osaze, Assistant City Manager/HR Director)  
**City Attorney Recruitment**

5. **Potential/Pending Litigation (Government Code 54956.9)** (Karen Tiedemann, RDA Counsel, Carlos Martinez, RDA Division Manager)

a. **DKB Homes** (Karen Tiedemann, RDA Counsel, Carlos Martinez, RDA Division Manager)

b. **Peninsula Care Givers**, (Valarie Armento, Interim City Attorney)

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

6. Joint Call to Order

Roll Call: WOODS, ABRICA, EVANS, MARTINEZ, EVANS

7. APPROVAL OF AGENDA

ACTION: MOTION/SECOND: WOODS/ABRICA VOTE: 5-0  
\*With Changes I and II as listed below

**\*I. Consent Calendar**  
Councilmember Woods Pulled Item 10's 03-22-11 Special CC Meeting Minutes to note corrections that were needed, those corrections are to be made and the minutes brought back for approval.

**\*II. Policy and Action**  
City Manager Gordon pulled item 32 from the agenda, it was not presented at the meeting

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

MOTION/SECOND: WOODS/MARTINEZ VOTE: 5-0  
CONSENT CALENDAR APPROVED WITH CHANGE AS NOTED ABOVE

**Actions and Motions**

8. Proclamation

- a. West Nile Virus Awareness Month (*San Mateo County (SMCO) Vector Control and Mosquito Abatement District*) (*Minette Warren, Deputy City Clerk, Office of the Clerk*)
- b. Streets Alive Project (*Meda Okelo, Director, Community Services*)
- c. Cinco de Mayo/Festival Latino Week in East Palo Alto (*Kirti Reddy, Executive Assistant to City Manager*)

**Current SMCO Vector Control and Mosquito Abatement District Representative for East Palo Alto/Former Councilmember Donna Rutherford attended the meeting and picked up the West Nile Virus Awareness Month Proclamation for the District, and Mayor Carlos Romero thanked her for her continued service.**

9. Claims (*Valerie Armento, Interim City Attorney*)

Recommendation: Reject the following claims:

- a. Pastor Guzman
- b. Selbia Smith
- c. Barbara Strang

10. **Minutes** (*Minette Warren, Deputy City Clerk, Office of the City Clerk*)  
 \*03-22-11 Special CC Meeting (**Pulled, to be Re-agenized- after corrections are made**)  
 03-29-11 Study Session – Marijuana Dispensaries  
 04-05-11 Regular Joint CC RDA Meeting  
 04-07-11 Study Session – Restructuring City Government
11. **4124-City/County Government Association (C/CAG) Joint Powers Authority Agreement** (*Carried over from 04-12-2011 Special CC Meeting*) (*Carlos Romero, Mayor, ML Gordon, City Manager*)
1. Review and adopt a Resolution authorizing continued participation in the City/County Association of Governments of San Mateo County (C/CAG); and
  2. Approve the Joint Powers Agreement in accordance with the staff recommendations.
12. **4125-Adopt a Resolution providing Guidance for Mid Peninsula Regional Open Space District (MPROSD) regarding Community Preferred Alternative for the Ravenswood Business District/4 Corners Transit Oriented Development Specific Plan** (*Carried over from 04-12-2011 Special CC Meeting*) (*Sean Charpentier, RDA Project Coordinator II, RDA Division*)
13. **Support for State Legislation:**
- a. **4129-Adopt a Resolution supporting Senate Bill No. 444 (Evans), which clarifies that local jurisdictions deciding on an application to convert a manufactured home park to a subdivision are authorized to disapprove the applications if they find that the results of the required resident support surveys have not demonstrated adequate resident support.** (*Wilbert Lee, Director, Housing Services Department*)
  - b. **4130-Adopt a Resolution supporting Assembly Bill No. 579 (Monning) allowing local governments to recover attorneys' fees after successfully defending local manufacturing home rent control ordinances, and related manufactured homeowner protections, and providing a special motion to dismiss such lawsuits with no probability of success** (*Wilbert Lee, Director, Housing Services Department*)
14. **4131-A Resolution Adopting a Fee Wavier for the Annual Cinco de Mayo Community Parade/Streets Alive – Sunday May 1, 2011**  
*(Meda Okelo, Director, Community Services Department)*
15. **4133-Acceptance of a Parcel Map at 1010-1056 Myrtle Street.** (*Wayland Li, Associate Planner, Brent A. Butler, Planning Manager*)
16. **4132-Adopt a Resolution Approving Plans and Specifications for the Annual Street Resurfacing Improvements Project- 2011 and authorizing the City Manager to Advertise the Project to Solicit Bids.** (*Kamal Fallaha, City Engineer*)

17. **4136-Extend Professional Services contract with Valerie J. Armento to provide Interim City Attorney Services** (*Stephanie Osaze, Assistant City Manager/Director Human Resources*)
18. **4126-Adopt a Resolution authorizing the City Manager to enter into a Professional Services contract with Renne Sloan Holtzman Sakai LLP to assist staff with Labor Relations Services, including assisting the City with bargaining negotiations for an amount not to exceed \$86,000.** (*Stephanie Osaze, Assistant City Manager/HR Director*)
19. **4127-Request the City Council to authorize the City Manager to waive fees for building permits for Rebuilding Together renovation projects in East Palo Alto scheduled for the 2011 National Rebuilding Day on April 30, 2011** (*Wilbert Lee, Housing Services Director, Housing Department*)

**Recommendation:** That Council Approve All Items on the Consent Calendar

**The Consent Calendar; and, Items 20-24 may be addressed during Community Forum only, unless otherwise approved by Council**

20. **Written Communications**

- a. **Request for Fee Waiver for Non-profit Community Event at Bell Street Park**  
(*Brenda Berys, the 1-800 JC Project*)

**Let the Record Note:** During the Written Communications Item section, Mayor Romero announced the receipt of a letter from former Councilmember Myrtle Walker regarding Cultural Kaleidoscope funding that was available to the city, and that the information would be agendized on a future date. He then forwarded the letter to the City Clerk for that purpose. This Letter of Correspondence is attached as number "A" to these Minutes

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

- a. San Bruno Gas Line Disaster, *Michael Salazar, Honorable Councilmember, City of San Bruno, CA*
- b. Boys & Girls Clubs of the Peninsula, (*Cherie Kabba, Intel Computer Clubhouse Director Moldaw-Zaffaroni Clubhouse*)

**Oral Reports**

22. **Reports Out of Closed Session** (*Valerie Armento, Interim City Attorney*)

**Interim City Attorney Armento Reported out on the 3:30PM Special Closed Session meeting and the 6:00PM Regular Closed Session - Direction Given No, Action taken**

**Interim City Attorney Armento Reported on Potential/Pending Items 5a & b – No Action Taken, Direction Given**

**23. Staff Reports**

**Measure “C” Parcel Tax Exemption Procedure** *(Brenda Olwin, Acting Finance Director)*  
*(Carried over from 04-12-2011 Special Meeting)*

Acting Finance Director Olwin gave update on procedure for the Measure “C” Parcel Tax Exemptions stating that forms for exemptions should be going out in the mail the first week of May and will be available in house and deadline for getting them back to Finance is July 1<sup>st</sup>, 2011. She also stated that the Finance Department will be trying to handle all items administratively with respect to late filings for exemptions especially, and that those would be brought to Council as Appeals only after every recourse to settle matter is exhausted at the administrative level.

**24. City Council/Redevelopment Agency Reports California Redevelopment Agency 2011 Conference and Expo** *(Laura Martinez, Vice Mayor, Ruben Abrica, Council Member, \*Carlos Martinez, RDA Manager, RDA Division)*

Councilmember Abrica noted a correction on the participants as listed on the 04-19 agenda. The 04-19 Agenda the 3<sup>rd</sup> person as Carlos Romero, Mayor and that has been noted and corrected as shown above, \*the third participant is Carlos Martinez, RDA Manager, RDA Division. It was also reported that they had attended the redevelopment event that occurred and gathered materials to be made available and that Sacramento still has no decision as to whether or not RDAs will be ended.

Mayor Romero stated that he and City Manager Gordon had met on Saturday, April 23 with the Senior Center to advise them of the Proposed City Restructuring and how Senior Services will be affected)

Vice Mayor Martinez announced the Cinco de Mayo parade – May 1, 2011

Mayor Romero announced again that the street Alive Parade was also occurring in the city and invited the residents to participate

**25. Community Forum**

Let the Record Note: Former Councilmember Myrtle Walker spoke during Community Forum and read the Cultural Kaleidoscope group letter into the record and informed the public of their connection with the city’s youth. The group’s wish is that the funding would be earmarked for an Art room for the youth within the YMCA at Bell Street. A copy of the letter has been attached to these Minutes.

**Public Hearings**

26. **Amendment to the Ordinance on existing regulations pertaining to the construction, modification and maintenance of signage** *(Brent Butler, Planning Manager, Planning Division)* ***(Continued to the May 3, 201 Meeting)***

**Recommendation:**

That the City Council:

- 1) Open a Public Hearing,

<b>MOTION/SECOND: WOODS/MARTINEZ</b>	<b>VOTE:</b>	<b>5-0</b>
--------------------------------------	--------------	------------

- 2) Take Public Testimony,  
3) Close the Hearing; and

<b>MOTION/SECOND: WOODS/MARTINEZ</b>	<b>VOTE:</b>	<b>5-0</b>
--------------------------------------	--------------	------------

- 4) Schedule Adoption of the Amendments to the Ordinance for May 3, 2011

<b>Council scheduled a Continuation for further clarification on May 3, 2011</b>
--

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

**RDA**

27. **Assignment of the Owner Participation Agreement between the Agency and Clarum Four Corners, LLC; and, between the Agency and TMG/MFP Ravenswood Palms, LLC to the City of East Palo Alto** ***(Carried over from 04-12-2011 Special CC Meeting)*** ***(Continued to Regular Meeting of 05-03-11)*** *(Karen Tiedemann, RDA Counsel, Carlos Martinez, RDA Manager, RDA Division)*

- a. Recommendation-**Adopt a Resolution that the Redevelopment Agency Board Approve the assignment of the Owner Participation Agreement between the Agency and Clarum Four Corners, LLC to the City of East Palo Alto
- b. Recommendation:** Adopt a Resolution that the Redevelopment Agency Board Approve the assignment of the Owner Participation Agreement between the Agency and TMG/MFP Ravenswood Palms, LLC to the City of East Palo Alto

**CITY**

28. **Assignment of Redevelopment Agency of East Palo Alto's interest In the Owner Participation Agreement between the Agency and Clarum Four Corners, LLC; and between the Agency and TMG/MFP Ravenswood Palms, LLC to the City of East Palo Alto** ***(Carried over from 04-12-2011 Special CC Meeting)*** ***(Continued to Regular Meeting of 05-03-11)*** *(Carlos Martinez, RDA Manager, RDA Division)*

- a. Recommendation:** That Council Adopt a Resolution approving and accepting the Assignment of Redevelopment Agency of East Palo Alto's interest In the Owner Participation Agreement between the Agency and Clarum Four Corners, LLC to the City of East Palo Alto
- b. Recommendation:** That Council Adopt a Resolution approving and accepting the Assignment of the City's Redevelopment Agency of East Palo Alto's interest in the

29. **4128-Ravenswood Health Clinic Lease Renewal Ground Lease Agreement between the City of East Palo Alto and the Ravenswood Family Health Center at 1798 Bay Road, East Palo Alto, CA** *(Carried over from 04-12-2011 Special CC Meeting)*  
*(Russell Averhart, RDA Project Manager, RDA Division)*

**Recommendation:**

- a. Adopt a Resolution renewing the Ground Lease between the City and the Ravenswood Family Health Center (RFHC) for two years, under the same terms, with one additional condition: that the Ravenswood Family Health Clinic (RFHC) acknowledge both the Redevelopment Agency and the City of East Palo Alto as key supporters/partners on its website, promotional material, including using the Official City Logo. The new lease will be set to expire April 17, 2013; and
- b. That the RFHC entering into a no-cost two-year Exclusive Negotiating Rights Agreement (ENRA), with the goal of executing a Development and Disposition Agreement, (DDA) with the initial general development program of a Permanent Clinic, office space for non-profit organization, and potentially senior housing on sites outlined in Attachment 4.

**MOTION/ACTION: ABRICA/MARTINEZ VOTE:4-1 (Evans – No)**

30. **4135-Professional Services contract with David Nieto to provide Human Resource Services for an amount not to exceed \$112,500** *(Stephanie Osaze Interim Assistant City Manager/Director Human Resources)*

**Recommendation:** That Council Adopt a Resolution authorizing the City Manager to enter into a Professional Services contract with David Nieto to provide Human Resource Services for an amount not to exceed \$112,500

**With modification of resolution to amend contract amount to \$60,000 rather than \$112,000**  
**MOTION/ACTION: ABRICA/WOODS VOTE: 3-2 (Evans, Romero-No)**

31. **4136-A Resolution of the City Council approving Plans and Specifications for the LED Street Lights Replacement Project and authorizing the City Manager to award a contract to PG&E for an amount not-to-exceed \$180, 214 to complete the project in accordance with the California Energy Commission (CEC) guidelines.** *(Kamal Fallaha, City Engineer)*

**Recommendation:** That Council Adopt a Resolution approving Plans and Specifications for the LED Street Lights Replacement Project and authorizing the City Manager to award a contract to PG&E for an amount not-to-exceed \$180, 214 to complete the project in accordance with the California Energy Commission (CEC) guidelines

**MOTION/SECOND: WOODS/ABRICA VOTE: 4-1 (EVANS/no)**

32. **Professional Services contract with Regional Services Group (RSG) to provide Community Development Administration Services for an amount not to exceed \$120,000.** *(Stephanie Osaze, Interim Assistant City Manager/Director Human Resources)*

**Recommendation:** That Council Adopt a Resolution Authorizing the City Manager to Enter into a Professional Services Contract with Regional Services Group for Community Development Administration Services in an amount not to exceed \$120,000.

**Item 32 was pulled during the approval of the agenda, not discussed**

33. **Police Athletic League (PAL)** *(Ronald Davis, Police Chief)*

**Recommendation:**

1. **4134-That City Council Adopt a Resolution supporting the East Palo Alto Police Activities League (PAL); and.**

**MOTION/SECOND: ABRICA/MARTINEZ VOTE: 5-0**

2. **By motion, designate a City Councilmember to serve as a member of the PAL Board of Directors.**

**Vice Mayor Martinez Volunteered to serve on Local Pal Board**

**MOTION/SECOND: ABRICA/WOODS VOTE: 5-0**

**Recommendation:** That Council enter into a Professional Services contract for Interim City Attorney Services with Valerie J. Armento

34. **1-800 Bell Street Park Easter Egg Hunt Fee Waiver** *(Meda Okelo, Director, Community Services Department)*

**Recommendation:**

That City Council Deny the Request.

**MOTION/SECOND: WOODS/EVANS VOTE: 5-0**

35. **City Council Strategic Plan Objectives** *(ML Gordon, City Manager) (Continued to May 3, 2011)*

**Recommendation:**

That City Council receive, discuss and adopt a Resolution accepting the FY 2011-2012 Objective for the Council's Strategic Plan.

36. **ADJOURNMENT 11:42P.M.**