



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 its multi-cultural community

ACTION MINUTES

By: Minette Warren

REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

TUESDAY, JUNE 21, 2011

Closed Session: 6:30 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, under the corresponding agenda located on City Council Agenda/Minutes Page. **STAFF REPORTS ARE AVAILABLE ONLINE, AUDIO VERSION OF MEETING IS ON WEBSITE'S HOME PAGE - Thank you**

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 Session

Regular Joint Closed Session Call to Order

Roll Call

Present: WOODS , ABRICA, ROEMRO (Martinez and Evans in after Roll Call)

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

Motion/Second: Abrica/Woods Vote: 3-0

- 2. Joint Closed Session Community Forum**

3. Adjournment into Closed Session

4. Property Negotiations (Government Code § 54956.8)

- a. APN# 063-292-170, 063-292-160, 063-292-190, 063-292-200
(Carlos Martinez, Provisional Deputy Director, Community Development Department)
- b. APN# 063-231-220 (Carlos Martinez, Provisional Deputy Director, Community Development Department)

5. Potential/Pending Litigation (Government Code § 54956.9)

- a. Palo Mobile Estates v. City of East Palo Alto (Valerie J. Armento, Interim City Attorney)

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

6. Joint Call to Order

Roll Call:

Woods, Abrica, Martinez, Romero (Evans in after Roll Call)

7. Approval of the Agenda

8. Summer Youth Program Allocations and Awards (ML Gordon, City Manager, Stephanie Osaze, Assistant City Manager)

City Manager Gordon and Assistant City Manager Osaze gave staff report

Council deliberated on the allocation and stipulated that the total amount of awards would total \$200,000.

The following Requestors were allocated the followings amounts based on a majority vote (3 out of 5) Council Votes of agreement:

Organization	Amount Allocated
Bayshore Christian Ministries	\$ 20,000.00
Boys and Girls Club Proposal #1	\$ 24,000.00
Boys and Girls Club Proposal #2	\$ 0,000.00
College Track	\$ 0,000.00
Community Development Institute (Fiscal Agent for) Live in Peace	\$ 15,000.00
Community Legal Services (CLS)	\$ 1500.00
Creative Montessori	\$ 12,000.00
East Palo Alto Boxing Club	\$ 12,000.00
JobTrain	\$ 0,000.00
Captain Kirk Chess Education Program	\$ 0,000.00
Lauren's House 4 Positive Change	\$ 10,000.00
Peninsula Sports Academy	\$ 15,000.00
Saint Francis of Assisi (Youth Club)	\$ 20,000.00

The YMCA	\$ 22,000.00
Youth Community Service	\$ 20,000.00
Youth United for Community Action	\$ 10,000.00
Total Allocated	\$181,500.00

For the actual Council Votes and Tallies, please see attached Transient Occupancy Tax – Summer Program Spread Sheets as polled and provided by the Finance Department, the City Attorney’s and City Clerk’s Offices.

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

9. **Proclamation** (*Minette Warren, Deputy City Clerk, Office of the Clerk*)
 - a. Lucile Packard Children’s Hospital 20th Anniversary

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

Recommendation: Reject the following claim

 - a. George Raines

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

05/17/11 Regular CC RDA Meeting
 05/18/11 Special City Council FY 2011-12 Budget Study Session
 05-24-11 Special CC Meeting and Budget Study Session
 05-25-11 Special City Council Meeting

12. **4149-TJKM Transportation Consultants**

Staff recommends that the City Council:

 1. Adopt a Resolution authorizing the City Manager to execute a contract with TJKM Transportation Consultants, for an amount not-to-exceed \$61,366 to provide Professional Engineering and Traffic Services to complete design and prepare project Plans, Specifications, and Estimates (PS&E) for the Traffic Signal and Geometrics Upgrade Project at University Avenue/Bell Street. and E. Bayshore Road./Pulgas Avenue; and
 2. Approve the East Palo Alto local match amount, not-to-exceed \$82,500, funded from the City Traffic Impact Fees and Measure “A” Funds to match the C/CAG Grant of \$347,500.
Kamal Fallaha, City Engineer, Community Development Department)

13. **4150-Adopt a Resolution approving a contract with Lance Bayer for an amount not to exceed \$40,000 for FY 2011-2012.** (*Valerie Armento, Interim City Attorney*)

14. **4151-Adopt a Resolution authorizing the City Manager to amend and extend the existing Professional Services contract with Valerie J. Armento for Interim City Attorney Services in an amount not to exceed \$128,000 for Fiscal Year 2011-2012.**
(Stephanie Osaze, Assistant City Manager/HR Director)

15. **Adopt a Resolution amending and extending the contract with Redwood City Information Technology Services Department for an amount not to exceed \$289,500 for the first year of a three-year contract and a range of 4 to 6% in the second and**

third year. (Stephanie Osaze, Assistant City Manager, Tony Gelpman, IT Director) **(Pulled and Continued to next Council meeting of June 28, 2011)**

16. **Adopt by Motion the City's Third Quarterly Treasury Report** (Brenda Olwin, Interim Finance Director)
17. **4152-Adopt a Resolution approving an update to the City of East Palo Alto 2011 Statement of Investment Policy.** (Brenda Olwin, Interim Finance Director)
18. **4153-Adopt a Resolution approving the recordation of Notice of Lien, in the amount of \$21,676.35 against the property located at 1137 Westminster Avenue Assessor's Parcel Number 062-122-140** (Frank Rainone, Chief Building Official)
19. **4154-Consulting Services for the Rent Stabilization Program**
 1. **Adopt a Resolution authorizing the City Manager to increase the contract amount for the Rent Stabilization Program Consultant Services with Ken Baar by \$7,000 for a total amount not to exceed \$34,000; and**
 2. **Extend the term of the contract with Ken Baar to September 1, 2011 in order to complete the Rules and Regulations associated with the Rent Stabilization Ordinance (RSO) approved by the voters June 8, 2010.** (Carol Lamont, RSP Administrator)
20. **4155-Adopt a Resolution authorizing the County of San Mateo to collect Measure C Parcel Tax in the City Property Tax roll for Fiscal Year 2011-2012 through Fiscal Year 2016-2017.** (Brenda Olwin, Interim Finance Director)
21. **4156-Adopt a Resolution authorizing the County of San Mateo to collect Garbage Fees on the Property Tax roll for Fiscal Year 2011-2012** (Brenda Olwin, Interim Finance Director)

Recommendation: That Council Approve All Items on the Consent Calendar

Consent Calendar approved minus items as listed below

Motion/Second: Woods/Martinez Vote: 5-0

Items 11 Minutes of 5/24/11 pulled to be brought back with corrections, Item 15 pulled to be brought back on 06/28/11.

Item 18 pulled for discussion by CM Woods. CM Woods suggested that Council should approve and accept the \$9, 558.35 (Demolition costs) as per a letter dated April 29, 2011 promising to pay, no later than November 3, 2011, that amount from the 1137 Westminster property owners. That staff should amend the resolution stating same and authorize City Manager Gordon to take action to have the notice of lien rescinded and that this language should be included in the resolution.

Motion to approve Item 15 with amended resolution language:

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

Let the record note that Interim City Attorney Armento did amend the resolution with the approved language change before signatures were affixed.

The Consent Calendar; and, Items 9 through 21 may be addressed during Community Forum only, unless otherwise approved by Council

22. **Written Communications:**
EPA California Bank and Trust Closure in East Palo Alto (*Floyd Purdy, Pastor, Faith MB Church*)
23. **Special Presentations (Each presentation is limited to 10 minutes) (Government Code § 54954.3(b)):** None

ORAL REPORTS

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

Report Out by Interim City Attorney Armento on Closed Session items:

No Direction Given and No Action Taken.

25. **Staff Reports**
 - a. San Mateo County Award of Commendation – (*Brent A. Butler, Planning Division Manager*)

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

- a. Announcement - City Anniversary/4th of July Celebration (*Ruben Abrica, Councilmember;*)

27. **COMMUNITY FORUM**

PUBLIC HEARINGS

28. **University Palms, 2100 University Avenue/675 Donohoe Street East Palo Alto City Council Public Hearing and the East Palo Alto Redevelopment Agency consideration of the following items related to University Palms, 2100 University Avenue/675 Donohoe Street.** (*Carlos Martinez, Provisional Deputy Director, Community Development Department, Karen Tiedemann, Redevelopment Agency Counsel*)

The Council and Agency will hold a joint public hearing.

The Council will consider:

- 1) An appeal of the Planning Commission's June 6, 2011 decision:
 - a. Approving Architectural Supervision 11-002 concerning the project
 - b. Finding that implementation of the project is consistent with the General Plan Map and the General Plan objectives, goals, policies and implementation programs

- c. There have not been any occurrences since the certification of the EIR that would require a subsequent or supplemental environmental document in connection with the Planning Commission's determination and preliminary approvals.
- 2) The approval of an Assignment and Assumption Agreement assigning TMG/MFP Ravenswood Palm, LLC's interest in the Development Agreement to University Plaza EPA, LLC
- 3) Approving the Third Amendment to the Owner Participation Agreement.
- 4) The assignment and assumption agreement assigning TMG/MFP Ravenswood Palms, LLC's interest in the Owner Participation Agreement to University Plaza EPA LLC.

The Agency Board will consider:

- 1) Approving the Third Amendment to the Owner Participation Agreement.
- 2) The assignment and assumption agreement assigning TMG/MFP Ravenswood Palms, LLC's interest in the Owner Participation Agreement to University Plaza EPA LLC.

RECOMMENDATION:

Staff recommends that the City Council:

- 1) **4157**-Adopt a Resolution upholding the Planning Commission's decision to adopt Resolution No. 11-07, including all actions of the Planning Commission therein; and

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

- 2) **4158**-Adopt a Resolution Approving an Assignment and Assumption Agreement assigning TMG/MFP Ravenswood Palms, LLC's interest in the Development Agreement to University Plaza EPA, LLC.

Motion/Second: Abrica/Romero Vote: 3-2 (Evans, Woods/No)

- 3) Approving the Third Amendment to the Owner Participation Agreement.
- 4) The assignment and assumption agreement assigning TMG/MFP Ravenswood Palms, LLC's interest in the Owner Participation Agreement to University Plaza EPA LLC.

Staff recommends that the Agency Board:

- 1) **814**-Adopt a Resolution approving the Third Amendment to the Owner Participation Agreement; and

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

- 2) **815**- Adopt a Resolution approving the Assignment and Assumption Agreement assigning TMG/MFP Ravenswood Palms, LLC's interest in the Owner Participation Agreement to University Plaza EPA, LLC

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

Let the Record Note that: CM Woods disclosed that he was a former tenant at this property site. Per RDA Counsel K. Tiedemann there was no plausible conflict of interest. CM Woods could participate in discussion and vote on Item 28.

Staff members and RDA Counsel gave the staff report, RDA Counsel Tiedemann stated that since as of yet no action has been taken by the state of California regarding Redevelopment agencies, only the two RDA resolutions, the City resolution to Uphold the Planning Commission's ruling and the City resolution approving the assignment of the Development agreement needed approval by RDA/Council

29. **FY 2011-2012 Budget Hearing** (*Brenda Olwin, Interim Finance Director*)
1. **Adoption of the FY 2011-12 GANN Appropriation Limit**

 2. **Adoption of the 2010-2011 Projected Budgets and the 2011-2012 Proposed Budgets**
 - a. **Adoption of the 2010-11 City and RDA Projected Budgets**
 - b. **Adoption of the 2011-2012 Proposed City Budget**
 - c. **Adoption of the 2011-2012 Proposed Redevelopment Agency Budget**

Recommendation:

That Council:

- a. Receive report from Finance Director
- b. Open the Public Hearing,
- c. Receive testimony from the Public,
- d. Close the Public Hearing; and
- e. Approve the Resolutions:
 - a) Adopt the Fiscal Year 2011-2012 Appropriation Limit;
 - b) the Projected Fiscal Year 2010-2011 City and RDA Budgets, and;
 - c) the Proposed Fiscal Year 2011-2012 City and RDA Budgets

Item 29: Continued by unanimous approval to a 06/28/11 Special Council meeting
Motion/Second: Abrica/Woods Vote: 5-0

30. **4160-Adoption of the 2010 Urban Water Management Plan** (*Carlos Martinez, Provisional Deputy Director, Community Development Department, Kevin Sage, Integrated Resource Management and Gopi Nathan, American Water Company*)

Recommendation:

- a. Receive Staff Report
- b. Open the Hearing
- a. Accept testimony

