



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, September 20, 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, 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

Evans, Abrica, Woods, Romero (Martinez, Excused Absence)

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

MOTION/SECOND:	WOODS/ABRICA	VOTE:	4-0
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- 2. Joint Closed Session Community Forum: None**
- 3. Adjournment into Closed Session**
- 4. Personnel Matter (Government Code § 54957) (M L Gordon, City Manager, Stephanie Osaze, Assistant City Manager)**

- a. Labor Code 4850 Settlement

5. Labor Negotiations (Government Code § 54957.6)

(Stephanie Osaze, Interim Assistant City Manager/Charles Sakai, Lead Negotiator)

- a. International Federation of Technical & Professional Engineers (IFPTE) Unit #1 Executive and Unit #2 Management and Mid-Management
- b. East Palo Alto Police Officers Association (POA)

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

- a. AT&T Wireless (Sipple vs City of Alameda et al) *(Valerie J. Armento, Interim City Attorney)*
- b. DKB Homes *(Russell Averhart, Interim RDA Division Manager)*

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

7. Joint Call to Order

Roll Call

Evans, Abrica, Woods, Romero (Martinez, Excused Absence)

8. Approval of the Agenda

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

9. Awards and Recognitions *(M L Gordon, City Manager)*

Staff Recommends that the City Council:

- 1. Accept the Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended June 30, 2010; and
- 2. Recognize the Finance Department Staff for their Exceptional Work

MOTION/SECOND: ABRICA/WOODS VOTE: 3-1 (Evans/No)

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

Approval of Consent Calendar

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

Items 12 and 17 pulled by Mayor Romero for discussion

Items 10, 11, 13-16 and 19-20 MOTION/SECOND: WOODS/ABRICA VOTE: 4-0

10. Proclamation

Honoring the life and memory of Eric Quezada, for his indefatigable work on behalf of Communities of Color and the working class in East Palo Alto and San Francisco

- 11. **Minutes** (*Minette Warren, Deputy City Clerk, Office of the City Clerk*)
 - a. 07-26-2011 CC RDA Special Meeting (*Continued from 9-6-2011 Regular Meeting*)
 - b. 09-6-2011 CC RDA Meeting
- 12. **820-Adopt a Resolution authorizing the Redevelopment Agency Executive Director to accept, appropriate, and create budget for \$200,000 in grant funds from the U.S. Environmental Protection Agency for Cooley Landing** (*Shannon Alford, Cooley Landing Project Manager*)

Motion/Second: Romero/Abrica	Vote: 4-0
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- 13. **4194-Adopt a Resolution authorizing the City Manager to accept, appropriate, and create budget for \$50,000 in grant funds from the San Francisco Foundation for Cooley Landing** (*Shannon Alford, Cooley Landing Project Manager*).
- 14. **4195-Adopt a Resolution authorizing the City Manager to enter into a Reimbursement Agreement with the County of San Mateo Aging and Adult Services for the provision of daily lunches under the Senior Congregate Lunch Program as well as Transportation Services for Fiscal Year 2011-2012 for a total reimbursement amount of \$54,227.00** (*Carlos Martinez, Provisional Deputy Director, Community Development Department*)
- 15. **C/CAG Local Transportation Services Program**
 Staff recommends that the City Council:
 - 1) **4196-Adopt a Resolution authorizing the City Manager to accept a sixth amendment to the existing contract with C/CAG in the amount of \$127,965.00; and**
 - 2) **Authorize the City Manager to utilize Measure A Funds to provide the required 50% local match of \$127,965.00; and**
 - 3) **Authorize the City Manager to extend the contract period through June 30, 2012 for continuation of the Weekend Shuttle, Shopper Shuttle, and the Weekday/Late Community Shuttle.**
 (*Salani Wendt, Administrative Assistant, Carlos Martinez, Provisional Deputy Director, Community Development Department*)
- 16. **4197-Adopt a Resolution accepting the Supplemental Agreement between the City of East Palo Alto and the employees represented by the Service Employees International Union (SEIU) Local 521 reducing the work hours from 40 to 38 per week, effective beginning the week of September 19, 2011.** (*Stephanie Osaze, Assistant City Manager*)

Motion/Second: Romero/Abrica	Vote: 4-0
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- 17. **4198-Adopt a Resolution accepting the Supplemental Agreement between the City of East Palo Alto and the employees represented by the International Federation of Professional and Technical Engineers (IFPTE) Local 21 Unit #1 (Executives):**

- a. Reducing the work hours from 40 to 38 per week, effective beginning the week of September 19, 2011 through June 30, 2012; and
- b. Reducing the Compensation Scheduled by 5% for *Exempt* employees effective with payroll beginning September 19, 2011 through June 30, 2012. *(Stephanie Osaze, Assistant City Manager)*

- 18. 4199-Adopt a Resolution accepting the Supplemental Agreement between the City of East Palo Alto and the employees represented by the International Federation of Professional and Technical Engineers (IFPTE) Local 21 Unit #2 (Managers and Mid-Management):
 - a. Reducing the work hours from 40 to 38 per week, effective beginning the week of September 19, 2011 through June 30, 2012; and
 - b. Reducing the Compensation Scheduled by 5% for *Exempt* employees effective with payroll beginning September 19, 2011 through June 30, 2012; and
 - c. Reducing the work hours for *Non-Exempt* employees from 40 to 38 hours per week, effective beginning the week of September 19, 2011 through June 30, 2012. *(Stephanie Osaze, Assistant City Manager)*

- 19. 4200-Adopt a Resolution reducing the work week from 40 hours to 38 hours; and reducing the Compensation Schedule by 5% for Non-Bargaining Exempt Classifications, effective with payroll beginning September 19, 2011 through June 30, 2011. *(Stephanie Osaze, Assistant City Manager)*

- 20. Authorize, by motion, the City Manager to Approve an Agreement between the City and the Sequoia Union High School District to finalize scope of all remediation and permit requirements regarding construction of high school on Myrtle Street, East Palo Alto. *(Continued from the Regular Meeting of September 6, 2011) (M L Gordon, City Manager, Valerie J. Armento, Interim City Attorney)*

Recommendation: That Council Approve All Items on the Consent Calendar

The Consent Calendar; and, Items 8 - 20 may be addressed during Community Forum only, unless otherwise approved by Council

- 21. Written Communications: None

- 22. Special Presentations (Each presentation is limited to 10 minutes) (Government Code § 54954.3(b)):
 - Ravenswood Little League *(Rosemary Steele, Volunteer)*

ORAL REPORTS

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

- 24. Staff Reports

- 25. City Council/Redevelopment Agency Reports

26. COMMUNITY FORUM

SPECIAL ACTION ITEM:

- 27. Pending Sale of 1,800 Housing Units by Wells Fargo Bank** *(Carol Lamont, RSP Administrator, Brent Butler, Planning Division Manager)*

RECOMMENDATION:

Staff Recommends that City Council:

Discuss and determine what, if any, action or position the City Council would direct staff or authorize the Mayor to undertake in response to the proposed sale by Wells Fargo Bank of 1,800 rental units in East Palo Alto to one investor.

Discussion held, direction given to staff

PUBLIC HEARINGS

- 28. Adoption of the Capital Improvement Plan and Budget (CIP)** *(Continued from July 19, 2011 Regular Meeting)* *(Kamal Fallaha City Engineer, Brenda Olwin, Interim Finance Director, Wayland Li, Associate Planner)*

RECOMMENDATION:

- a. Receive Report from Staff
- b. Open Public Hearing
- c. Receive Testimony from Public
- d. Close Public Hearing
- e. Adopt a Resolution for the Fiscal Year 2011-2012 Capital Improvement Plan

After some discussion this Item was continued to a future date

- 29. 4201-Climate Action Plan, Initial Study and Negative Declaration** *(Russell Averhart, Interim RDA Division Manager, Brent A. Butler, Planning Division Manager)*

RECOMMENDATION:

Staff recommends that the City Council:

1. Receive a Report from Staff and the Climate Action Plan Consultant;
2. Open the Public Hearing;
3. Receive public comment;
4. Close the public hearing; and
5. Adopt a Resolution approving the Initial Study and findings, the Negative Declaration, and the Climate Action Plan.

Open the Hearing

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

Close the Hearing:

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

Adopt the Resolution

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

POLICY AND ACTION
Joint RDA/City Council

30. Transfer Payment Agreement between the Redevelopment Agency and City

(Russell Averhart, Interim Redevelopment Division Manager, Sean Charpentier, Redevelopment Project Coordinator II, Brenda Olwin, Interim Director, Department of Finance)

RECOMMENDATION:

1. Adopt a City Resolution Authorizing Execution of Agency Transfer Payment Agreement;

Motion/Second: Abrica/Woods Vote: 3-1 m (Evans/No)

2. **821**-Adopt an Agency Resolution Authorizing Execution of Agency Transfer Payment Agreement;

Motion/Second: Woods/Abrica Vote: 3-1 (Evans/No)

3. **822**-Adopt an Agency Resolution Making Findings Regarding Use of 20% Affordable Housing Funds; and

Motion/Second: Woods/Abrica Vote: 3-1 (Evans/No)

4. Receive overview of affordable housing resources and strategies to encourage affordable housing development.

City Council

31. Cooley Landing Partnership Agreement Amendment *(Shannon Alford, Cooley Landing Project Manager)*

RECOMMENDATION:

Staff recommends that the City Council:
Adopt a Resolution authorizing the City Manager to finalize and execute an Amendment to the Cooley Landing Partnership Agreement between the City of East Palo Alto and the Midpeninsula Regional Open Space District.

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

32. Response to San Mateo County Grand Jury's Report on Tasers

(Ronald L. Davis, Police Chief)

RECOMMENDATION:

- That the City Council:
1. Receive and discuss staff report and recommendation;

2. Accept letter and authorize Mayor to submit to the Grand Jury

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

33. **Response to an Mateo County Grand Jury’s Report “Running on Empty”** (*Brenda Olwin, Interim Director, Finance Department*)

RECOMMENDATION:

1. Receive and discuss staff report and recommendation;
2. Accept letter and authorize Mayor to submit to the Grand Jury

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

34. **Response to San Mateo County Grand Jury’s Report on Cell Towers** (*Carlos Martinez, Provisional Deputy Director, Community Development Department*)

RECOMMENDATION:

That the City Council:

1. Receive and discuss staff report and recommendation;
2. Accept letter and authorize Mayor to submit to the Grand Jury

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

35. **Skate Board Facility Policies** (*Marie McKenzie, Public Information Manager*)

- a. **Adoption of an Urgency Ordinance to establish Skate Board Facility rules**
- b. **Introduction of an Ordinance adding Section 12.04.025 (Regulations applicable to Skate Boarding Facilities) to Chapter 12.04 (Park Regulations) of Title 12 (Streets, Sidewalks and Public Places) of the East Palo Alto Municipal Code.**

RECOMMENDATION :

- a) **That Council Adopt the Urgency Ordinance, and;**

Motion/Second: Woods/Abrica Vote: 3-1 (Evans/No) Please note this item did not pass to be brought back to 10-04 Council meeting

- b) **That Council waive reading and introduce an Ordinance adding Section 12.04.025 (Regulations applicable to Skate Boarding Facilities) to Chapter 12.04 (Park Regulations) of Title 12 (Streets, Sidewalks and Public Places) of the East Palo Alto Municipal Code.**

Motion/Second: Woods/Abrica Vote: 3-1 (Evans/No)

36. **ADJOURNMENT**