



# 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, October 4, 2011

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

**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**

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

**MOTION/SECOND: WOODS/ABRICA VOTE: 4-0 (CM EVANS NOT PRESENT FOR ROLL CALL)**

**2. Joint Closed Session Community Forum: None**

**3. Adjournment into Closed Session**

**4. Personnel Matter (Government Code § 54957) (M L Gordon, City Manager,)**

a. City Manager Contract

**5. Property Negotiations (Government Code § 54956.8)**

*(Russell Averhart, Interim RDA Division Manager)*

a. APN: 063-23-1220

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

a. **October 2011 Litigation Report** *(Valerie J. Armento, Interim City Attorney)*

**b. Potential Litigation (Government Code § 54956.9 (a), (b))**

Discussion of City of East Palo Alto v. XXXXXXXX (Disclosure will jeopardize service of process or existing settlement negotiations) *(Valerie J. Armento, Interim City Attorney)*

**7:00 P.M. REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**6. Joint Call to Order**

**Roll Call**

**Present: Woods, Abrica, Evans, Martinez, Romero**

**8. Approval of the Agenda**

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

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

**Approval of Consent Calendar**

**MOTION/SECOND: ABRICA/WOODS VOTE: 5-0 With Item 11 pulled by Councilmember Evans to notice his NO vote.**

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

Recommendation: Reject the following claim

Eloise Pena

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

a. 09-12-2011 Special City Council Closed Session Meeting

b. 09-15-2011 Special City Council Closed Session Meeting

c. 09-20-2011 Regular City Council/RDA Meeting

**11. 446-Waive second reading and adopt new City Ordinance adding Section 12.04.025 (Regulations Applicable to Skate Boarding Facilities) to Chapter 12.04 (Regulations Applicable to Parks) of Title 12 (Regulations Applicable to Streets, Sidewalks and Public Places) to the City of East Palo Alto's Municipal Code. (, Marie McKenzie, Public Information and Relations Manager, Valerie J. Armento, Interim City Attorney)**

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

- 12. Highway 101 Pedestrian and Bicycle Overcrossing Project.** *(Kamal Fallaha, P.E. City Engineer, Community Development Department)*
1. Adopt a Resolution accepting a Grant from San Mateo County Transportation Authority (TA) in the amount of \$300,000 for the Planning/Environmental and Preliminary Engineering Phase of the Route 101 Pedestrian/Bicycle Overcrossing Project; and
  2. Authorize the City Manager to enter into a funding agreement with the TA to accept the grant and execute the agreement; and
  3. Authorize the City Manager to issue a Request for Proposal (RFP) for Engineering Services to begin the Planning/Environmental and Preliminary Engineering Phase of the Pedestrian and Bicycle Overcrossing Project at the 101 Highway.
- 13.** By Motion authorize the City Manager to issue a Request For Proposal (RFP) for Professional Services to prepare a Gloria Well Production Alternatives Analysis and Water Security Feasibility Study *(Kamal Fallaha, P.E., City Engineer, Sean Charpentier, RDA Project Coordinator II, Community Development Department)*
- 14.** Runnymede Storm Drain Phase II & Repair of O'Connor Pump Station Outfall Project *(Kamal Fallaha, P.E. City Engineer, Community Development Department)*
1. Authorize the City Manager to allocate a Project Budget in an amount not-to-exceed \$219,316 from FY2010-2011 United States Environmental Protection Agency (EPA) Appropriation State and Tribal Assistance Grant (STAG) Grant; and
  2. Execute a Professional Services Contract Agreement with WRA Environmental Consultants, for an Amount Not-To-Exceed \$162,241 to Provide Professional Environmental Documentation and Permitting Services for the Runnymede Storm Drain Phase II & Repair of the O'Connor Pump Station Outfall structure Project; and
  3. Allocate \$40,851 for Engineering Design and material testing services for the project.
  4. Establish a 10% Contingency in the amount of \$16,224

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

**The Consent Calendar; and, Items 15-20 may be addressed during Community Forum only, unless otherwise approved by Council**

- 15. Written Communications:**
- a. **Request for EPA Boxing Club Presentation** *((Johnny Gray, President)*
- 16. Special Presentations: (Each presentation is limited to 10 minutes) (Government Code § 54954.3(b))**
- PG&E Presentation to City of East Palo Alto for installation of 394 energy efficient LED street lights throughout the City during August 2011
- 17. Monthly Departmental Presentation/Updates Each Presentation/Update is limited to 15 minutes:**

Please note - For the Record: This Item was moved by unanimous approval of Council to after Item 21: Community Forum and Item, and \*ORAL REPORTS Items 19 b and c were to be heard after Item 17; and Mayor Carlos Romero left the meeting at 9:35p.m.- Excused absence for remainder of meeting.

**ORAL REPORTS**

- 18. **Reports Out of Closed Session** (Valerie Armento, Interim City Attorney)
- 19. **\*Staff Reports**
  - a. Report on Traffic Patterns on Bay Road (Ronald L. Davis, Police Chief, Kamal Fallaha, City Engineer)
  - \*b. Name and Use – 550 Bell Street Facility Update (M L Gordon, City Manager)
  - \*c. Notification Process for Street Resurfacing and other work done i.e. speed bumps and sidewalk repair/replacement. (Kamal Fallaha, City Engineer,
- 20. **City Council/Redevelopment Agency Reports**
- 21. **COMMUNITY FORUM**  
**RDA ACTION ITEMS:**       None  
  
**PUBLIC HEARINGS:**       None

**POLICY AND ACTION**

**City Council**

- 22. **Proposed Revisions to City Ellis Act Provisions** (Valerie J. Armento, Interim City Attorney)  
  
**RECOMMENDATION:**  
Staff recommends that City Council:  
Waive first reading and introduce the Ordinance revisions to the City’s Ellis Act provisions.

Item 22 Continued by Unanimous approval of Council to the 10-18-2011 Regular Joint CC RDA Meeting.

- 23. **Urgency Ordinance Adding Regulation Applicable to Skate Boarding Facilities**  
  
**RECOMMENDATION:**  
Staff Recommends that the City Council:  
Adopt an Urgency Ordinance, by a four-fifth vote, to become effective immediately adding Section 12.04.025 (Regulations Applicable to Skate Boarding Facilities) to Chapter 12.04 (Regulations Applicable to Parks) of Title 12 (Regulations Applicable to Streets, Sidewalks and Public Places) to the City of East Palo Alto’s Municipal Code.

**Item 23 Continued by Unanimous approval of Council to the 10-18-2011 Regular Joint CC RDA Meeting.**

- 24. Expend Measure C Funds to Reinstate the East Palo Alto Parole Reentry Program**  
*(Ronald L. Davis, Police Chief)*

**RECOMMENDATION:**

Staff Recommends that the City Council:  
Adopt a Resolution authorizing the City Manager to expend \$198,000 to re-establish the East Palo Alto parole reentry program using Measure C funds allotted to the Police Department.

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

- 25. Citywide Sidewalk Repair and Replacement Program -2011/2012** *(Kamal Fallaha, P.E., City Engineer, Community Development Department)*

**RECOMMENDATION:**

Staff Recommends that City Council:

1. Adopt a Resolution accepting the Sidewalk Repair and Replacement Program Tier 1 and Tier 2; and
2. Authorizing the City Manager to identify \$290,000 to complete the repair and/or replacement of Tier 1 Sidewalks in the City of East Palo Alto; and
3. Authorize the City Manager to advertise and solicit bids for the repair/replacement work for the Tier 1 sidewalks.

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

- 26. ADJOURNMENT: 11:38P.M.**  
***The Mayor and Members of City Council will end their Regular Meeting in a moment of Silence remembering Danny Dixon and Sioreli Torres Mendoza, who tragically and sadly lost their lives on Tuesday, September 28, 2011. City Council extends its heartfelt condolences to the family and friends of both victims who will be greatly missed.***