



City of East Palo Alto ACTION MINUTES

REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

TUESDAY, July 17, 2007

Regular Joint Closed Session: 6:00p.m.

Regular Meeting - 7:30p.m.

2415 UNIVERSITY AVENUE

Council Chamber

6:00 P.M

Regular Joint Closed Session

Regular Joint Closed Session Call to Order: 6:00P.M.

Roll Call: Evans, Abrica, Rutherford, Foster (Woods-Excused Absence)

1. Approval of Joint Closed Session Agenda

Action: Motion/Second: Abrica/Evans Vote: 4-0

2. Joint Closed Session Community Forum: None

3. CLOSED SESSION See item 5A

A. Personnel Matters Pursuant to Government Code Section 54957

1. City Attorney Evaluation

B. Potential/Pending Litigation Pursuant to Government Code Section 54956.9

1. Discussion of significant exposure to litigation (one case); and initiation of litigation (one case)

C. Labor Relations Pursuant to Government Code Section 54957.6

1. SEIU Local 521 CTC (Service Employees International Union)
2. East Palo Alto POA (Police Officers Association)

Adjournment

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

Joint Call to Order: 7:30p.m.

Roll Call: Evans, Abrica, Rutherford, Foster (Woods-Excused Absence)

1. APPROVAL OF AGENDA

Councilmember Evans requested that Items 2A1 and 2A4 be moved to Policy and Action

Items 2A2a 5, 7a and B1 pulled for discussion

Ms. Rutherford and Mr. Evans recused-live within 300 feet on item 2A5 and a request was made to continue this item to September 4th meeting.

Mr. Evans made a correction on Minutes (Item 2A7a

2. CONSENT CALENDAR

Items 2, 3, 6, 7b-e and 8 approved

Action: Motion/Second: Abrica/Rutherford Vote: 4-0

Items listed here may be spoken on if a request is given to the City Clerk to pull a particular item before approval of the Consent Calendar; and at the discretion of Council

A. City Council/Redevelopment Agency Ordinances, Resolutions/Reports-Approval Actions and Motions

1. 737-Agency approve Authorization for the Executive Director to enter in a contract with Overland Pacific & Cutler, Inc. to provide relocation services related to University Palms including preparation of a relocation plan and relocation of the residents and businesses and the establishment of a Developer Account to pay costs associated with the relocation and other consulting in an initial deposit amount of \$20,000

Recommendation: That RDA Approve: *(Continued from 07-10-07 mtg)*

- A. The retention of Overland Pacific & Cutler, Inc. to provide relocation services related to University Palms including preparation of a relocation plan and relocation of the residents and businesses in an amount not-to-exceed \$6000 and;

B. The establishment of a Developer Account to pay costs associated with the relocation and other consulting costs in an initial deposit amount of \$20,000 (which includes the \$6,000 Relocation Consultant contract

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

2. Informational report – Status of Tow Rotation Fees Report
3. 2708 -160 Tara Road Revised and Expanded (Rogge) Lease
4. Authorize the City Manager to Award a contract to construct a batting cage at Jack Farrell Park to Northern Ca Fence Company.

Item 4 moved to P and A and continued to September 4th meeting

5. Final Approval and Release of Bond related to public improvements: Eastside Preparatory College

Item 5 moved to P and A and continued to September 4th meeting

6. Claims
 - a. Kalisi Pahulu, et al
 - b. Vaita longi, et al
7. Minutes
 - a. 06/05/07 Regular Joint CC/RDA Minutes

Item 6a corrected by Mr. Evans

Regarding section naming Police Facility after Officer Richard May, should read that Mr. Evans felt that the facility could be better perhaps named after a living person. Ms. Rutherford noted the misspelling of Mayor Woods' name. Deputy Clerk Warren acknowledged the edit for amendment of those minutes.

- b. 06/06/07 Special Budget Study Session
- c. 06/13/07 Special CC/RDA 07/08 Budget Study Session
- d. 06/19/07 Regular Joint CC/RDA Meeting
- e. 06/26/07 Special CC/RDA 07/08 Budget Hearing

Recommendation: That Council/RDA Approve the Resolutions; and Deny the Claims and Accept the Informational Reports and Minutes by Motion

8. Planning Actions of the June 11 and June 25, 2007 Planning Commission and Status of Planning Applications for June, 2007

Recommendation: Review the Actions of the Planning Commission and By Motion and Majority Vote, Call-up

or Take jurisdiction on any of the Items Described in the Report

B. City Council Ordinance

- 1. 305 - Adopt Ordinance related to conversion of mobilehome parks to resident- owned parks (2nd Reading)

Recommendation: That Council Adopt the Ordinance

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

.....End of Consent Calendar.....

Items 3, 4 and 5 may be addressed during Community Forum only, unless otherwise approved by Council

- 3. **Written Communications:** Request for Fee Waiver-Collard Green Festival

The request for waiver was discussed, Council stated it was too late to direct staff to act on this before the actual date of the festival and Council’s August recess

- 4. **Special Presentation:** None

5. Oral Reports

- A. Reports Out of Closed Session

Item 3A1: Discussed – No Action
Item 3B1: Discussed – No Action
Item 3C1: Discussed – No Action

- B. Oral Staff Reports

- 1. Code Enforcement-Drew Site: Chief of Police
- 2. Oil Filters Recycling: Public Works Director
- 3. Fireworks: Chief of Police
- 4. Translation Information: City Manager

- C. Advisory Bodies: Planning Commission

Chair Robert Sherrard reported on Planning Commission activities

- D. City Council/Redevelopment Agency Reports

- 1. City Sponsorship of Health Expo and Cultural Fest

Councilmember Abrica informed Council and residents that there will be a Health Expo and Cultural fest ion September 29, 2007; and that there could be a special presentation regarding this event during the September 4th Council meeting

Councilmember Rutherford informed Council and residents that the Dumbarton Rail Corridor Committee needed two volunteer community representative and that volunteers need not be public officials

6. Community Forum

7. Policy and Action Items

A. Redevelopment Agency Resolutions/Reports – Approval Actions and Motions

1. 638-Reconsideration and selection of one of two development proposals presented by “Four Corners at Bay LLC” (the Developer) for the development of the Post Office corner at Bay and University, and either entering, or taking the necessary steps to consider entering into an Owner Participation Agreement (OPA) with the Developer to develop the selected alternative

Recommendation: It is recommended that:

- a. Agency Board (the Board) re-consider its July 5th decision and “De Novo” listen to arguments, deliberates and evaluates the merits of both proposals—one including and one excluding the Boca the Ratón apartments—presented by the “Four Corners at Bay LLC” (the Developer), and selects a preferred alternative.
- b1. The Board decides to exclude Boca de Ratón; then: Authorize the executive director of the Agency to enter into an Owner Participation Agreement with “Four Corners at Bay LLC”.
- b2. The Board decides to include Boca de Ratón; then: Direct staff to develop a Replacement Housing Plan with the intent of considering entering into an OPA after adoption of the Plan. As required by California Redevelopment Law, at least thirty days prior to acquiring property or adopting an agreement that will lead to the destruction or removal of low and moderate income housing units, an agency must adopt by resolution a replacement housing plan. Staff will bring the plan back for Board adoption after the Council recess. Thirty days after adoption of the Replacement Housing Plan, the Board can then consider the adoption of the OPA including Boca de Ratón.
- c. That the Agency, approve the establishment of a Developer Account with the initial amount of \$20,000 to pay costs associated with OPA production and administration.

Action: Action/Motion: Rutherford/Evans Vote: 4-0:

B. City Council Informational reports and resolutions

1. Byrd Development LLC/Brock & Company and DKB Homes LLC:

Recommendation: That the City Council By motion, affirm approval of the General Plan Amendment, first reading of the rezoning ordinance and the mitigated negative declaration associated with said project located at 2470, 2477 and 2485 Pulgas Avenue; and 1860, 1950 Bay Road, East Palo Alto, commonly-known as the Byrd/Brock/DKB project.

Action: Council unanimously agreed that this item be continued and brought back for the September 4th Council meeting

2. Introduction and first reading of an ordinance Amending Chapter 14.08 of the Municipal Code Regarding Withdrawal of Housing Units ("Ellis Act") and related Relocation Benefits

Recommendation: (Continued from 07-10-07 Mtg) That Council, by ordinance:

- a. Enact a new Chapter 14.08 of the East Palo Alto Municipal Code to provide timelines and relocation benefits in circumstances where landlords remove residential rental units from the market; and
- b. Repeal current Chapter 14.08.

Action: Staff requested and; Council unanimously agreed that this item be continued and brought back for the September 4th Council meeting

3. Information Technology Update

Recommendation: It is recommended that the City Council:

- a. Accept and file the Information Technology Update; and
- b. 2709- Adopt Resolution authorizing the City Manager to enter into a contract with Redwood City to provide Information Technology Services to the City of East Palo Alto not to exceed \$247,700; and

The second resolution with this report: Palo Alto IT continued support was not approved at this meeting

Action: Motion/Second Rutherford/Foster Vote: 3-1(Evans-No) Mr. Evans felt that the information regarding Palo Alto IT and Redwood City IT was insufficient

- c. Direct the City Manager to initiate an organizational/ operational assessment to determine the benefit of establishing an in-house Information Technology Division and bring back the results of the assessment to City Council.

It was suggested to the City Manager he initiate an organizational/ operational assessment for City's own in-house IT Division

4. Report from Joint City Council/Planning Commission Committee Subcommittee on long-range Planning issues and considerations

Recommendation: To Be Provided By Committee

Information from the committee was brought by Councilmember Abrica and Planning Commissioner Carlos Romero

5. Review and Closure of Funding of Special Events for Fiscal year 2006-2007

Recommendation: To Be Provided By The Committee

Not discussed, will be brought back on September 4th.

6. Report Back Regarding Possible Funding of Boxing Program and Consideration Joint Statement of Collaboration between City of East Palo Alto and East Palo Alto Boxing Club

Recommendation: **2721 A & B** - That Council Approve the resolution and; Consideration of Collaboration Statement recommendation to be provided by Councilmember Abrica

Item discussed after being moved up as #2, Rutherford, Foster and Abrica in favor of option #2. Staff was directed to negotiate an agreement and draft a resolution to inventory, surplus and donate loaned boxing equipment to Boxing Club.

Adjournment: **11:20p.m. by unanimous Council agreement**