



City of East Palo Alto MINUTES

TUESDAY, JANUARY 15, 2019

CITY COUNCIL REGULAR MEETING - 6:30 P.M.

1. CALL TO ORDER AND ROLL CALL

Mayor Gauthier called the meeting to order at 6:35 p.m.

PRESENT: Gauthier, Romero, Wallace-Jones

ABSENT: Abrica, Moody

2. APPROVAL OF THE AGENDA

Action: Upon motion by Councilmember Romero and seconded by Vice Mayor, Wallace-Jones, the City Council **voted 3-0-2-0** to approve the Agenda.

AYES: Romero, Gauthier, Wallace-Jones

NOES: None

ABSENT: Abrica, Moody

ABSTAIN: None

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no comments made from the public.

4. ADJOURNMENT INTO CLOSED SESSION

The City Council adjourned into Closed Session at 6:36 p.m.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Government Code section 54957)

TITLE: City Attorney

B. PUBLIC EMPLOYMENT

(Government Code Section 54957)

TITLE: City Manager

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code section 54956.8)

Property: 1765 East Bayshore, Unit 218; APN: 114 460 180

Agency Negotiators: Sean Charpentier, Interim City Manager; Rafael E. Alvarado Jr., City Attorney; Hanson Hom, Interim Community Development Director; Victor

Ramirez, Rent Stabilization Administrator; Patrick Heisinger, Housing Projects Manager; Special Counsel, Karen Tiedemann.

Negotiating Parties: City of East Palo Alto and owner

Under Negotiation: Price and terms of payment

5. CITY COUNCIL RECONVENE INTO OPEN SESSION

The City Council reconvened into Open Session at 7:41 p.m.

6. REPORT OUT OF CLOSED SESSION

City Attorney reported that regarding closed session Items 4A, 4B and 4C, the Council took no reportable action.

7. PUBLIC COMMENT ON CONSENT AGENDA

There was 1 public comment on Consent Agenda Items 8A, 8B and 8C.

8. APPROVAL OF CONSENT CALENDAR

City Council Ordinances, Resolutions/ Informal Reports/ Approval of Actions and Motions

Recommendation: That the City Council adopts the Consent Calendar as indicated below.

Mayor Gauthier requested to pull item 8A from the consent agenda.

Action: Upon motion by Council member Abrica and seconded by Council member Romero, the City Council voted 4-0-1-0 to approve the Consent Calendar minus Item 8A.

AYES: Abrica, Romero, Gauthier, Wallace-Jones

NOES: None

ABSENT: Moody

ABSTAIN: None

A. Adopt a Proclamation Celebrating the Life and Work of Dr. Martin Luther King's Birthday

(Maria Buell, City Clerk)

Mayor Gauthier acknowledged Ysedra Mustiful and she received the Proclamation on behalf of the Martin Luther King Committee.

Action: Upon motion from Mayor Gauthier and seconded by Council member Romero, the City Council voted 4-0-1-0 to approve Item 8A.

B. Ratify A Proclamation Recognizing the Life and Contributions of Pastor Edward Butler

(Lisa Gauthier, Mayor)

There were no comments from the public.

C. Adopt a Proclamation commemorating the 25th Anniversary of Free At Last
(Lisa Gauthier, Mayor)

There were no comments from the public.

D. By motion, waive the second reading and adopt an ordinance:

- 1) Amending Chapter 15.52 of the Municipal Code; and**
- 2) Finding that the adoption by the City Council of the amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.**

(Guido F. Persicone, Planning and Housing Manager; Art Henriques, Consulting Senior Planner)

There were no comments from the public.

The City Council approved Ordinance No. 419

E. Adopt a resolution authorizing the City Manager to:

- 1. Execute a contract amendment with AECOM for an amount not to exceed \$35,000 for professional services during the public review process for adoption of development impact fees, with such services to be pre-authorized by the City Manager and billed on a time and materials basis; and**
- 2. Establish an overall project budget of \$207,750.**

(Hanson Hom, Interim Community Development Director)

There were no comments from the public.

The City Council approved Resolution No. 5066

F. Adopt a resolution authorizing the City Manager to increase the CSG Consultants, Inc. Staff Augmentation contract in the amount of \$50,000.

(Kamal Fallaha, Public Works Director, Humza Javed, City Engineer)

There were no comments from the public.

The City Council approved Resolution No. 5067

G. Adopt a resolution, authorizing the Mayor to send a letter to the State Department of Water Resources (DWR) noting the City's response to the

Community Action items raised by the DWR in their letter and report to the Mayor on October 11, 2017 pertaining to Floodplain Management.
(Guido F. Persicone, Planning and Housing Manager, Art Henriques, Consulting Senior Planner)

There were no comments from the public.

The City Council approved Resolution No. 5068

9. ORAL REPORTS

A. Staff Reports

- Sean Charpentier, Interim City Manager announced a Tree Planting on January 21, 2019 at 435 Daisy Lane.

B. City Council Reports

- Council member Moody announced he will attend the 25th Anniversary of Free at Last event on January 18th.
- Vice Mayor participated in the Stanford General Plan update with Interim City Manager; she and Mayor Gauthier had coffee with Assembly member Mark Berman regarding District 24 issues; had a meeting with Senator Jerry Hill and also attended the parade on January 12, 2019 to celebrate the Menlo-Atherton football team victory.
- Council member Abrica attended the Menlo-Atherton football team parade celebrating the championship victory and their emphasis on ensuring each player supporting an emphasis on education; the 4 Seasons open house to inform the community on job opportunities; and, mentioned comments on the results of reorganization meeting of December and how they are inaccurate.
- Council member Romero stated that given the “weightiness” of Council packet, he did not provide a report.
- Mayor Gauthier attended the C-CAG meeting and that the managed lanes project is moving forward and decision on who “owns the lanes;” and participated in the celebration of Menlo-Atherton football team victory parade – an amazing victory that team has players out of East Palo Alto; encouraged residents to do a Day of Service on Monday as we celebrate Dr. Martin Luther King.

10. COMMUNITY FORUM

There were 4 speakers. Some of the topics mentioned were 4Seasons, Facebook bikes in City and Menlo Park PD.

11. INFORMATIONAL REPORT - NONE

12. SPECIAL PRESENTATION

A. Ensuring a Complete and Accurate Count for Census 2020 by Megan Gosh, San Mateo County Office of Community Affairs

Megan Gosh gave a detailed presentation on Census 2020 and answered Council questions.

There were no comments from the public.

13. PUBLIC HEARINGS

A. Amendments to East Palo Alto Municipal Code, Title 10 –Vehicles and Traffic, to Restrict Parking of Oversized Vehicles on Public Streets and to Revise the Weight Limit for Commercial Vehicles in Residential Areas; and Consideration of a Temporary Deferred Enforcement of RVs
(Hanson Hom, Interim Community Development Director)

Recommendation

1. Receive response to City Council questions from December 4, 2018 City Council meeting on amending Title 10 (Vehicles and Traffic) of the East Palo Alto Municipal Code to restrict parking of oversized vehicles and trailers on public streets and increase the allowable weight for commercial vehicles in residential areas.
2. Waive the first reading and introduce an ordinance amending Title 10 (Vehicles and Traffic) of the East Palo Alto Municipal Code to restrict parking of oversized vehicles and trailers on public streets and increase the allowable weight for commercial vehicles in residential areas.
3. If restrictions on parking of oversized vehicles on public streets will be adopted, provide direction on Options A and B for temporarily deferring parking enforcement of occupied recreational vehicles (RVs) and fifth wheels on public streets.
4. Find that adoption of the ordinance and related actions are exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines applicable to minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use, and section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Hanson Hom, Interim Community Development Director presented the report to City Council and answered Council members questions.

Action: Upon motion from Council member Moody and seconded by Vice-Mayor, Wallace-Jones, the City Council **voted 5-0-0-0** to open the Public Hearing.

There were 6 comments from the public.

Action: Upon motion by Councilmember Abrica and seconded by Council member Romero, the City Council **voted 5-0-0-0.**

AYES: Abrica, Romero, Gauthier, Moody, Wallace-Jones

NOES: None

ABSENT: None

ABSTAIN: None

The City Council approved Resolution No. 5069

14. POLICY AND ACTION

A. Mayoral Appointments to represent the City of East Palo Alto in Regional Organizations / Agencies *(Lisa Gauthier, Mayor)*

Recommendation

By motion, approve the Mayor's appointments for 2019.

There were no comments from the public.

Maria Buell, City Clerk, presented the report to City Council and answered Council members questions.

Mayor Gauthier revised the List of Appointments to include: 1) adding Council member Romero to ABAG and 2) adding two additional Subcommittees: a) My Brothers Keeper (MBK) and Future Development. She appointed herself and Council member Moody to MBK subcommittee and Council member Romero and Vice Mayor, Wallace-Jones to the Future Development subcommittee.

City Attorney clarified with Mayor that both subcommittees she requested are Adhoc, therefore, not bound by Brown Act rules.

Action: Upon motion by Mayor Gauthier and seconded by Vice Mayor, Wallace-Jones, the City Council **voted 5-0-0-0.**

AYES: Gauthier, Wallace-Jones, Abrica, Moody, Romero

NOES: None

ABSENT: None

ABSTAIN: None

B. East Palo Alto Measure C-2007 Crime Fighting Act Large Collaborative Grant Recommendations from Community Grants Review Panel (CGRP) *

(*Continued from 12/18/18 meeting)

(Marie McKenzie, Administrative Services Director; Karla M. Prince-Cheng, Administrative Grants Coordinator)

Recommendation

Adopt a resolution allocating and awarding \$400,000 in Measure C Large Collaborative Grants to the Community Based Organizations, in the amounts indicated in Table 1 below:

Table 1

Recommended Measure C Applicants	
Able Works Collaborative	\$ 134,522
Job Train Collaborative	\$ 125,000
Project We Hope (PWH) Collaborative	\$ 140,479
Grand Total	\$ 400,000

Karla M. Prince-Cheng, Administrative Grants Coordinator, made a presentation and answered Council questions and asked for direction on how the funding will

Mayor Gauthier announced there are potential conflict of interests as Council member Moody has two conflicts and Council member Abrica is on the Board of Job Train, and procedural items need to be addressed before going forward with this item and determine which member of Council will remain seated to take action on this item.

City Attorney stated three council members have a financial interest preventing their participation even by being in the room; to address FPPC regulations, a process of random selection of a third council member and have quorum and make decisions is needed; and a discussion among Council on the additional funds left over which could be distributed this year or next is also needed. Before Council recuses itself, a discussion is needed and cautioned to have no discussion over individual distributions.

Action: Vice Mayor Wallace-Jones moved that they include the \$160,000, minus administrative fees if applicable, in this year's disbursements and have flexibility to award more to existing or more to additional organizations this evening and seconded by Council member Moody the City Council **voted 5-0-0-0**.

City Attorney and Interim City Manager assisted with the random selection process of council members to remain on the dais. Mayor Gauthier and Council member

Abrica left the Council chambers and Vice Mayor Wallace-Jones chaired the meeting.

Karla Prince-Cheng provided a report to the Council and the ranking provided as recommended by the Measure C Review Panel and asked for direction from Council on the \$160,000 remaining funds.

There were 30 presentations from various non-profits and comments from the public.

Action: Council member Moody recommended appropriating: \$80,000 each to OneEPA, Job Train, Project WeHOPE; \$60,000 each to YCS,; Able Works; and \$50,000 each to Greyhounds, St. Francis, Men with Purpose, and Retraining the Village; and \$20,000 to Fresh Life for a grand total of \$580,000. The motion died for lack of a second.

Action: Council member Romero moved to appropriate \$100,000 each to YCS, OneEPA, Able Works, Men With Purpose, Project WeHOPE, and Job Train totaling \$600,000. The motion died for lack of a second.

Council member provided background to the purpose of Measure C funds: Bright Research Group's evaluation in 2011 to Council on ways to improve how these monies are distributed (based on impact, measured and are they meeting goals of City Council) and based on the ordinance passed. Measuring impacts of multi-year grant funding based on performance and track whether programs are effective; and that those assessments have not been done. An additional year of funding should be given in order to gain measurable outcomes. Monies should not be parsed out; two of organizations were funded for 3 yrs and should be included in this pot: OneEPA, SEP and YCS program with Live in Peace for a total of \$500,000 and suggested to take \$560,000 divide it by 5 to \$112,000 each. He then asked for Vice-Mayor's to opine on this recommendation.

City Attorney reminded Council that given the very late hour, the meeting needs to be extended in order to move forward with this item past midnight hour.

Action: Council member Moody moved to extend the meeting until 12:30 a.m. The motion died for lack of a second.

Action: Council member Romero moved to extend the meeting beyond midnight and seconded by Council member Moody, the City Council **voted 3-0-2-0**.

Vice-Mayor Wallace-Jones provided comments from the perspective of a new member to Council and added that it is impossible to satisfy everyone who has submitted comprehensive grant proposals. And, the decision of awarding grant monies is not based on “who has high quality programs and who is driving impact” as believes all organizations are doing that. She added that outcomes are not in sync with crime statistics and serving the mission of crime reduction and that Men of Purpose should be included as this would be a great opportunity to connect it to justice system and drive impact on recidivism; feels recommendations on youth and youth programming are missing and that the needs in the community are many. She proposed dividing \$560,000 among 5 organizations and asked Staff if the two youth service organizations would have an opportunity for a collaborative use of a combined \$160 youth services; and then distribute \$100K to each of the organizations recommended and to include Men of Purpose.

Council member Romero stated Men of Purpose has a good mission but he would not recommend general fund monies; but if Council could come up with an appropriation of an additional \$140,000 from general funds, then more could be funded with \$100,000.

Council member Moody opposes this recommendation and wants to fund 10 organizations as opposed to 5 with these remaining Measure C funds.

Council members continued to deliberate on how Measure C funds would be appropriated.

City Attorney reminded Council that any decision made by Council must be a through an unanimous vote and that they have the authority to appropriate general funds.

Action: Council member Romero moved to approve six applications for a total of \$600,000 - \$40 of which will come from General Fund for: OneEPA, YCS, Able Works, Job Train, Men of Purpose and Project WeHOPE for a total of \$100,000 each and was seconded by Vice-Mayor Wallace-Jones, the City Council **voted 2-1-2-0**.

AYES: Romero, Wallace-Jones
NOES: Moody
ABSENT: Abrica, Gauthier
ABSTAIN: None

Action: Council member Moody asked to keep the other six groups Council member Romero recommended, but wants to add St. Francis of Assisi and the Greyhounds. The motion died for lack of a second.

Vice Mayor provided her comments on the organizations and reiterated that Council received a recommendation by staff and there are organizations appealing to City Council at 12:30 a.m.; appreciates the work from the other 27 organizations not present there, but acknowledges those that are present tonight to appeal to Council for funding. St. Francis and Greyhounds are not present tonight to give their appeal.

Action: Vice Mayor Wallace-Jones, moved that a smaller grant in the amount of \$20,000 or \$25,000 from the general fund be considered to the 2 smaller organizations and to approve a total grant of \$650 to the six orgs and awarding \$100,000 to each and add the additional two with a grant of \$25,000 and seconded by Council member Romero, the City Council **voted 3-0-2-0**.

AYES: Wallace-Jones, Romero, Moody
NOES: None
ABSENT: Abrica, Gauthier
ABSTAIN: None

The City Council approved Resolution No. 5070

Mayor Gauthier returned to the dais at 12:25 a.m. Council member Abrica left Council meeting at 12:25 a.m.

C. Accept Annual Financial Reports for Fiscal Year 2017-18
(*Brenda Olwin, Finance Director*)

Recommendation

Adopt a resolution accepting the Annual Financial Reports for Fiscal Year 2017-18, including:

1. Comprehensive Annual Financial Report (CAFR)
2. Measure A Special Revenue Report
3. Measure C Financial Report
4. Single Audit Report
5. Appropriation Limit Agreed Procedures Report for Fiscal Year 2018-19

Brenda Olwin, Finance Director and Ahmed Badawi, of Badawi & Associates, City's certified public accountants, presented the report to City Council and answered Council members questions.

There were no comments from the public.

Action: Upon motion by Council member Romero and seconded by Vice-Mayor, Wallace-Jones, the City Council **voted 4-0-1-0**.

AYES: Romero, Wallace-Jones, Gauthier, Moody
NOES: None

ABSENT: Abrica
ABSTAIN: None

The City Council approved Resolution No. 5071

D. Proposed Affordable Housing and Sustainable Communities (AHSC) Program Improvements and Catalyst Fund Loan Terms for the Light Tree Apartments Project

(Hanson Hom, Interim Community Development Director; Victor I. Ramirez, Rent Stabilization Program Administrator; Patrick Heisinger, Housing Projects Manager)

Recommendation

Receive report and provide direction on proposed funding applications/terms for the Light Tree Apartments rehabilitation/intensification project, including:

1. The proposed public improvements that will be included in the Affordable Housing and Sustainable Communities (AHSC) funding application; and
2. The terms of a Catalyst Fund loan.

Patrick Heisinger, Housing Projects Manager, Humza Javed, City Engineer and Millie Tolleson, Principal Planner for SamTrans, presented the report to City Council and answered Council members questions.

Council provided Staff direction on the proposed funding applications.

There were 3 comments from the public.

Due to the lateness of the hour, Items 14E and 14F listed on the 1/15/19 City Council Agenda were moved to the January 29, 2019 special meeting.

15. ADJOURNMENT

The City Council regular meeting adjourned on Wednesday, January 16, 2019 at 1:13 a.m.

Respectfully submitted by: María Buell, City Clerk