



City of East Palo Alto MINUTES

TUESDAY, FEBRUARY 19, 2019

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

1. CALL TO ORDER AND ROLL CALL

Mayor Gauthier called the meeting to order at 6:30 p.m.

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

ABSENT: None

2. APPROVAL OF THE AGENDA

(Government Code Section 54957.7(a))

Action: Upon motion by Councilmember Abrica and seconded by Vice-Mayor Wallace-Jones, the City Council **voted 5-0-0-0** to approve the Agenda.

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

NOES: None

ABSENT: None

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 6:31 p.m.

A. PUBLIC EMPLOYMENT

(Government Code Section 54957)

TITLE: City Manager

5. CITY COUNCIL TO RECONVENE INTO OPEN SESSION

The City Council reconvened into open session at 7:07 p.m.

6. REPORT OUT OF CLOSED SESSION

City Attorney reported Council discussed Item 4A and took no reportable action.

7. PUBLIC COMMENT ON CONSENT CALENDAR ITEMS

There was 1 comment made from the public regarding Items 8A and 8B.

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 asked that Item 8A be pulled from consent calendar.

Council member Romero asked that Item 8B be pulled from consent calendar.

Action: Upon motion by Councilmember Moody and seconded by Vice-Mayor, Wallace-Jones, the City Council voted 5-0-0-0 to approve the Consent Calendar minus Items 4A and 4B.

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

NOES: None

ABSENT: None

ABSTAIN: None

A. Adopt a Proclamation in Celebration of Ms. Lurlean Stevens Fuller 100th Birthday

(Lisa Gauthier, Mayor)

Mayor Gauthier shared with Council that she attended “Mother Fuller’s” birthday celebration and living to be 100 years is amazing and deserves recognition; seeing how self-sufficient she is it was wonderful and that her friends, crowned her “Queen” for the Day and she wished her more birthday celebrations.

Action: Upon motion by Mayor Gauthier and seconded by Vice-Mayor, Wallace-Jones, the City Council voted 5-0-0-0 to approve Item 8A.

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

NOES: None

ABSENT: None

ABSTAIN: None

B. Adopt a resolution authorizing the City Manager to:

- 1. Execute Amendment No. 1 to the Agreement with Grassroots Ecology for the scope of services provided in Exhibit A, in a form subject to approval by the City Attorney, for a three year contract in an additional amount not to exceed \$79,130 funded through local Measure M stormwater funds,**

to provide specialized native planting and maintenance of plantings for the bioretention area at Cooley Landing and associated plantings, for a total not-to-exceed amount of \$93,257.49; and

- 2. Waive the formal bid procedures under section 2.84.070(D) of the Municipal Code due to the special circumstances that Grassroots Ecology specializes in native plants that do not contain the pathogen phytophthora.**
(Kamal Fallaha, Public Works Director, Michelle Daher, Management Analyst)

There were no comments from the public.

Council member Romero stated he supports this non-profit for all the good work they do; however, he is concerned with a 3-year contract and asked questions to Staff and to ensure Grassroots Ecology is not underfunded in the future. He asked Council if this item could wait for approval in the next council meeting in Consent Calendar.

Action: Upon consensus from Council, Item 8B was continued to the March 5, 2019 Council meeting.

9. ORAL REPORTS

A. Staff Reports

- Sean Charpentier, Interim City Manager, announced that Council's Strategic Priorities meeting is on Saturday, February 23 from 8:30 a.m. to 3:00 p.m.
- Chief of Police reported that one officer finished intervention training
- Public Works Director, Kamal Fallaha, gave a presentation on the O'Connor Pump Station

B. City Council Reports

- Council member Moody reported he attended a meeting with the San Francisquito Creek JPA and announced they will begin work on next Phase
- Council member Abrica stated he attended the San Francisquito JPA meeting and announced Father Juanito turned 93 years old; he also attended the Black History month celebration held at the Library.
- Council member Romero had no report.
- Vice Mayor reiterated that on Saturday, Council would meet to go over its priorities and invite public to attend.
- Mayor Gauthier attended Black History month celebration held by Library; asked Chief of Police how the department is handling Facebook bikes on City; and MBK rising event.

10. COMMUNITY FORUM

There were 4 speakers. Some of the topics mentioned were: parking ordinance, walking and community parking

11. INFORMATIONAL REPORT - NONE

12. **SPECIAL PRESENTATION – NONE**

13. **PUBLIC HEARINGS -NONE**

14. **POLICY AND ACTION**

A. American with Disabilities Act Self Evaluation and Transition Plan

(Sean Charpentier, Interim City Manager, Kamal Fallaha, Public Works Director; Humza Javed, City Engineer)

Recommendation

By motion, receive and file the City of East Palo Alto’s Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan.

Kamal Fallaha, Public Works Director and Tim Mahoney, of Disability Access Consultants, presented the report to City Council and answered their questions.

There was 1 comment from the public.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

B. Proposed Mid-Year Amendments to the Fiscal Year 2018-19 Adopted Budget

(Brenda Olwin, Finance Director)

Recommendation

Adopt a resolution approving the proposed mid-year amendments to the Fiscal Year (FY) 2018-19 Adopted Budget.

Brenda Olwin, Finance Director presented the report to City Council and answered Council members questions.

There were no comments from the public.

Council member Romero asked if the primary transfers are 1) contingent on receipt of a Economic Development grant; and 2) \$1.5

Mayor Gauthier asked if ERAFs have changed and vacancy savings for 2019 is City fully-staffed.

Vice Mayor, Wallace-Jones requested that mitigation strategies be in place to bring expenditures back in line with revenue over the next 5 years.

Council member Moody asked if an explanation could be given on the \$400,000 housing set aside fund.

Action: Upon motion by Vice Mayor, Wallace-Jones and seconded by Council member Moody, the City Council **voted 5-0-0-0** with the iterated request for mitigation strategies to help bring back expenditures in line with revenues over the next 5 years.

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

The City Council adopted Resolution No. 5083.

C. Fiscal Year 2018/2019 Grant Agreement with East Palo Alto Senior Center for \$55,000 for operations, utilities, and Board Development costs
(Marie McKenzie, Administrative Services Director)

Recommendation (Revised)

Adopt a resolution authorizing the City Manager to:

1. Allocate an amount not to exceed ~~\$55,000~~ **\$50,000 for payment of eligible utilities and \$15,000** for Board development out of Transient Occupancy Tax (TOT) grant funding, and execute a grant agreement with East Palo Alto Senior Center, Inc. (EPASC) for eligible utility (\$40,000) and Board Development (\$15,000) expenses **subject to commencing** to the following conditions:
 - a. EPASC cooperating with a City selected firm in the development of a Needs Assessment, independent program evaluation to establish performance measures (“benchmarks”) and standards of operation for senior services to identify future potential service and operational improvements.
 - b. EPASC amending its rental procedures to mirror City policies, procedures, fee schedule, and insurance requirements to provide consistent coverage that minimizes risk to the City and immediately upon contract execution begin providing City staff a monthly report of all rentals and reservations made, including revenue collected.
 - c. EPASC cooperating with the City in conducting—at the City’s cost—a financial audit of the EPASC.
 - d. EPASC conducting at its own expense, an energy audit from PG&E that tracks high usage times and provide the City with the findings.
 - e. EPASC completing Board Development, in an amount not to exceed \$15,000, subject to City staff approval of contract prior to initiation.
 - f. EPASC executing the Grant Agreement no later than 30 days from delivery

Marie McKenzie, Administrative Services Director presented the report to City Council and answered questions.

There were 10 comments from the public.

Mayor Gauthier thanked Ms. Grant for her work with Senior Center; does not know why payments are behind on utilities. Mr. Charpentier responded a grant agreement has not been returned by Senior Center Inc. She is aware of a meeting with the Subcommittee on February 28th and how to provide more services to our seniors; she asked that Senior Advisory Board interact with Senior Center Inc.; and also provide services to youth.

Council member Romero asked why it took 8 months to get this Grant agreement before Council. Ms. McKenzie stated the FY 17-18 grant was not turned in for 4 months; then it took a very long time to receive the bills until 11/19/18.

Mr. Romero asked if any bills have been received from last year.

Marie McKenzie stated they received payment and stated staff requested for bills to be submitted.

The accountant for Senior Center, Inc. provided comments to Council.

Sean said that per contract payment is made on a quarterly basis; and then they apply for reimbursements.

City Attorney stated the Senior Center signed a grant agreement that sets forth the disbursements per the contract and does not require Staff to request payments. It requires submittal for reimbursements. On 2017, a resolution was adopted by Council setting forth conditions that must be satisfied as consideration for receiving the grant agreement stated in the Contract. So there are 2 things that were created for the reimbursements set forth in the agreement itself (time frame and method).

Mayor asked if the current agreement has been signed. Sean Charpentier stated only the prior year was signed. He added that bills submitted to FY17-18 agreement expired on 6/30/19 and there is no grant agreement governing right now and therefore there are no existing bills a new grant agreement is need in order to authorize payment.

Council member Moody thanked the speakers on this topic. There is a sense that City is “anti-seniors” but he knows City (McKenzie and her staff) desire to put together a model senior center program to enhance the quality of life for our seniors and that more seniors need to participate in a wide-variety of healthy activities and that Menlo Park busses our seniors for activities in that City. He challenges the Board to maintain the partnership with Senior Center Inc. The Board should be in place to submit those to City to take care of utilities and security for Center. He wants mobility for seniors with help from YMCA – wants to see more activity there but there has been no activity in creating this relationship.

Council member Romero stated that there is no contract for 18-19 and issue with submittal of bills and hopes the Subcommittee can address this; he agrees to move forward with contract and asked Board to look towards working with Senior Advisory Committee and asks that approval of \$50,000 be approved for this year.

Council member Abrica stated he supports the request and despite the issues, there is progress. Seniors have always been in conflict - politically speaking. He asked Staff to expedite reimbursements and that staff should not be telling a Board what to do. He asked Board to undergo training if necessary. He also asked Sup Warren Slocum to host a meeting which was attended by Staff and Board to work on a proposal to show that joint collaboration can take place.

Vice Mayor Wallace-Jones stated this is the first time she hears on this item. She agrees with Council member Abrica that no meddling with non-profits, but when agreements are in place to support partnership and rendering of services for our residents, it does call for staff to have a different engagement. The Senior Center has about 3000 seniors in the City and provisioning public dollars to provide services to them; City needs to ensure that it addresses the needs of Seniors; at the moment, disaggregate the contract from the quality of service rendered and not withhold funds from Senior Center, Inc.; and that Council should ensure our seniors are holistically served prior to budgeting. She concluded that she is in support.

Mayor Gauthier stated that all non-profits are required to fund-raise too and that City should not be the only source of funds for Senior Center, Inc.

Action: Upon motion by Councilmember Romero to allowed an amount not to exceed \$65 TOT funds and add the items listed in the recommendation. It was seconded by Council member Abrica, the City Council **voted 5-0-0-0.**

City attorney stated that there are only 4 months left in the FY. The contract anticipated is for FY 18-19 and if payments are made subject to those conditions then payment may not be issued. Recommends to leave those conditions in the agreement – and make changes to the proposed resolution changing the amount to \$65,000.

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

The City Council adopted Resolution No. 5084.

D. Communities Overcoming Relationship Abuse (CORA) Domestic Violence (DV) Pilot Program Closeout Report and Recommendation for Direction
(Marie McKenzie, Administrative Services Director, Karla M. Prince-Cheng, Administrative Grants Coordinator)

Recommendation

Receive report from Staff regarding the Communities Overcoming Relationship Abuse (CORA) Domestic Violence (DV) Pilot Program Closeout and provide direction to Staff on potential options.

Karla M. Prince-Cheng, Administrative Grants Coordinator, presented the report to City Council and answered questions. Lynn Schute from CORA also made a presentation to Council and answered their questions.

Council member Abrica provided historical content to CORA receiving funding approximately 2-3 years ago he and former Council member Rutherford met with a subcommittee on truancy meeting with the District; District was not interested in this and that Measure C funds were re-directed by Council for a sole source agreement with CORA. He added that Police received many phone calls entailing domestic violence at that time; and that despite his name being referenced in the staff report, he only brings it to Council for review.

Sean Charpentier added that Measure C funds have already been expended and that Council could decide to potentially use TOT remaining fund balances for community groups such as this.

Vice-Mayor asked how CORA has influenced East Palo Alto; and that domestic violence is a crime and that Measure C was for crime reduction and asked why CORA did not apply for Measure C funds because those are now expended.

There was 1 comment from the public.

Action: Upon motion by Councilmember Romero and seconded by Council member Gauthier, the City Council **voted 3-2-0-0** and suggested to bring back to Council a proposal for \$100,000 for future funding of CORA.

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

E. Discussion on Strategies to Respond to the Increase in Development Review Activity
(Hanson Hom, Interim Community Development Director)

Recommendation

Receive and review report on strategy to respond to the substantial increase in development review activity that is anticipated for the City in the next two years through entering into Developer Reimbursement Agreements with developers to provide full cost recovery and entering into Master Consultant contract with qualified consultant firms to professional services related to processing development applications.

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

Vice Mayor, Wallace-Jones requested more data on how numbers match needs.

There was 1 comment from the public.

15. ADJOURNMENT

The City Council regular meeting adjourned at 11:36 p.m.

Respectfully submitted by: María Buell, City Clerk