



City of East Palo Alto MINUTES

TUESDAY, MARCH 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: Moody, Abrica, Gauthier, Wallace-Jones

ABSENT: Romero

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 4-0-1-0** to approve the Agenda.

AYES: Abrica, Wallace-Jones, Gauthier, Moody

NOES: None

ABSENT: Romero

ABSTAIN: None

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no comment from the public.

4. ADJOURNMENT INTO CLOSED SESSION

The City Council adjourned into Closed Session at 6:32 p.m.

A. PUBLIC EMPLOYMENT

(Government Code Section 54957)

TITLE: City Manager

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Government Code Section 54956.9(d)(2))

CASE NAME:

Jose Chavez v. City of East Palo Alto, et al.

San Mateo County Superior Court, Case No. 18CIV03280

5. CITY COUNCIL TO RECONVENE INTO OPEN SESSION

The City Council reconvened into open session at 7:21 p.m.

6. REPORT OUT OF CLOSED SESSION

City Attorney reported that City Council took no reportable action at its closed session on Item 4A and 4B.

7. PUBLIC COMMENT ON CONSENT CALENDAR ITEMS

There was no comment from the public.

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.

Action: Upon motion by Councilmember Romero and seconded by Vice Mayor Wallace-Jones, the City Council voted 5-0-0-0 to approve the Consent Calendar.

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

NOES: None

ABSENT: None

ABSTAIN: None

A. By motion, adopt A Proclamation Celebrating César E. Chávez Birthday on March 31st, His Life and Legacy and the work of the Chávez Family Vision, Inc. Organization

(Maria Buell, City Clerk)

B. Adopt a Resolution authorizing the City Manager to execute an Amendment No. 6 to extend the term of the Alta Planning and Design contract for the Clarke Avenue-Hwy 101 Bicycle/Pedestrian Overcrossing Project to December 31, 2019.

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

The City Council approved Resolution No. 5090

C. Adopt a resolution authorizing the Interim City Manager to execute a Second Amendment to the Contract with CSG Consultants, in a form approved by the City Attorney, increasing the contract amount by \$40,000, for a new not to exceed amount of \$69,205, for staff augmentation services; and extending the term of the contract to July 31, 2020.

(Hanson Hom, Interim Community Development Director, Jose L. Martinez, Interim Chief Building Official)

The City Council approved Resolution No. 5091

- D. Adopt a resolution authorizing the City Manager to:**
- 1. Execute Amendment No. 4 with TODD Groundwater contract for preparation of a groundwater monitoring report for 2019, in a form to be approved by City Attorney, increasing the not to exceed contract amount by \$27,070 for a new not to exceed contract amount of \$245,133; and**
 - 2. Extend the term of the Agreement through June 30, 2020.**
(Kamal Fallaha, Public Works Director, Humza Javed, City Engineer)

The City Council approved Resolution No. 5092

9. ORAL REPORTS

A. Staff Reports

- Sean Charpentier, Interim City Manager announced a community meeting on the mobility study on March 20, 2019 at Community room at 7:30 p.m.
- Chief of Police did not have a report.

B. City Council Reports

- Council member Moody had nothing to report.
- Council member Abrica had nothing to report.
- Council member Romero shared with staff that SB1 grant funding was available and asked City to participate; and asked that City become greenhouse neutral.
- Vice Mayor reported on the Stanford General Plan meeting she attended recently.
- Mayor Gauthier attended the Ravenswood Clinic celebration; a meeting with Sen. Jerry Hill along with Sean Charpentier and Mayors from San Mateo and Santa Clara County; she wants a CASA study in City of East Palo Alto; she also attended a Commission of Women event in which Vice Mayor Wallace-Jones spoke; and lastly, she asked for a determination of the herbicide, “Round-Up” whether it causes cancer and potentially ban its use in the City.

10. COMMUNITY FORUM

There were 5 speakers. Some of the topics mentioned were illegal parking and removal of those vehicles; displacement by Sobrato of Free Legal Services; and ongoing traffic issues.

11. INFORMATIONAL REPORT

A. Water Services and System Infrastructure Informational Presentation

(Brenda Olwin, Finance Director, Greg Henry, Senior Finance Project Manager, Michelle Daher, Management Analyst)

Recommendation

Receive informational report on the Water Services and System Infrastructure (Water Utility) in connection with impending water rate adjustments.

Greg Henry, Senior Finance Project Manager, presented the report to City Council and answered questions.

There were 4 comments from the public.

12. SPECIAL PRESENTATION – NONE

13. PUBLIC HEARINGS

A. Introduction of an Ordinance and Adoption of Development Impact Fees for Parks and Trails, Public Facilities, Storm Drainage, and Transportation Infrastructure Improvements

(Hanson Hom, Interim Community Development Director)

Recommendation

1. Waive the first reading and introduce an ordinance to add Chapter 13.28 (Development Impact Fees) to the East Palo Alto Municipal Code that authorizes the City to adopt impact fees to fund parks and trails, public facilities, storm drainage and transportation infrastructure improvements; and repeals Chapter 12.12, Article II (Storm Drainage Fees) of the East Palo Alto Municipal Code; and
2. By resolution, adopt the parks and trails, public facilities, storm drainage, and transportation infrastructure impact fees with allowable adjustments and credits.

Action: Upon motion by Mayor Gauthier and seconded by Vice Mayor Wallace Jones, this item was opened as a Public Hearing. The City Council voted 5-0-0-0.

Hanson Hom, Interim Community Development Director, Paul Peninger and Rucker Alex, from AECOM consultants presented the report to City Council and answered questions.

At 8:21 p.m., City Council took a short recess to allow Staff to fix the malfunctioning microphones.

There were 5 comments from the public.

Action: Upon motion by Council member Romero and seconded by Council member Moody, this item closed as a Public Hearing. City Council voted 5-0-0-0.

Under discussion, Vice Mayor asked that all concerns she had on this item be addressed at a future meeting. Council member Abrica stated that while the issues are complex, Council should move forward with this Ordinance and not risk not approving the fees and City becomes more vulnerable. He asked staff to return to Council with the additional policy issues brought up.

Council member Romero stated that these projects have to get discretionary approvals and that as a body any approvals could thus be enforced; if a project come before council, Council has the ability to say “no.” He does not want to put this item in abeyance.

Action: Upon motion made by Council member Romero and seconded by Council member Moody, to approve Staff’s recommendation and added that Staff return to Council with a separate Resolution to address Accessory Dwelling Units. The City Council voted 4-1-0-0

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

The City Council adopted Resolution No. 5093

14. POLICY AND ACTION

Sean Charpentier, Interim City Manager, requested Council to reverse the order of the next two items due to a long wait in audience area by Nicole M. Sandkulla, Chief Executive Officer/General Manager of the Bay Area Water Supply and Conservation Agency. City Council agreed to switch the order and Item 14A was heard after 14B.

B. Amendments to the Water Supply Agreement Between the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County
(Kamal Fallaha, Public Works Director)

Recommendation

That the City Council adopt a resolution to:

1. Approve the modifications included in the attached amended and restated "Water Supply Agreement Between the City and County of San Francisco Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County" dated November 2018 (Amended and Restated Water Supply Agreement); and

2. Authorize the City Manager to sign the Amended and Restated Water Supply Agreement, in the form previously approved by the San Francisco Public Utilities Commission and attached hereto.

Nicole M. Sandkulla, Chief Executive Officer/General Manager of the Bay Area Water Supply and Conservation Agency presented the report to City Council and answered questions.

There was 1 comment from the public.

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

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

The City Council adopted Resolution No. 5094

A. Update on the Ralph M. Brown Act and Public Records Act

(Rafael E. Alvarado, Jr., City Attorney, Vadim Sidelnikov, Deputy City Attorney)

Recommendation

Receive report and presentation on the Ralph M. Brown Act and Public Records Act.

Rafael E. Alvarado, Jr., City Attorney, presented the report to City Council and answered questions.

There were no comments from the public.

15. ADJOURNMENT

The City Council regular meeting adjourned at 11:27 p.m.

Respectfully submitted by: María Buell, City Clerk