



City of East Palo Alto MINUTES

TUESDAY, APRIL 2, 2019

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

TELECONFERENCE

Pursuant to Government Code Section 54953(b)(1), Council member Ruben Abrica will be participating via teleconference from the following location: 38 Lisa Drive, Greenville, South Carolina 29615

(Council member Abrica was not able to Teleconference for this meeting)

1. CALL TO ORDER AND ROLL CALL

Mayor Gauthier called the meeting to order at 6:34 p.m.

PRESENT: Moody, Romero, Gauthier, Wallace-Jones

ABSENT: Abrica

2. APPROVAL OF THE AGENDA

(Government Code Section 54957.7(a))

Action: Upon motion by Councilmember Romero and seconded by Councilmember Moody, the City Council **voted 4-0-1-0** to approve the Agenda.

AYES: Romero, Moody, Gauthier, Wallace-Jones

NOES: None

ABSENT: Abrica

ABSTAIN: None

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was 1 comment from the public.

4. ADJOURNMENT INTO CLOSED SESSION

The City Council adjourned into Closed Session at 6:39 p.m.

City Attorney announced corrections to the Government Code sections on agenda Items 4B and 4C. The corrections are shown below.

A. PUBLIC EMPLOYMENT

(Government Code Section 54957)

TITLE: City Manager

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Government Code Section 54956.9 (e) to 54957)

TITLE: City Attorney

C. CONFERENCE WITH LEGAL COUNSEL: POTENTIAL LITIGATION – ONE CASE

(Government Code Section 54957 to 54956.9(c))

TITLE: City Manager

5. CITY COUNCIL TO RECONVENE INTO OPEN SESSION

The City Council reconvened into open session at 7:34 p.m.

6. REPORT OUT OF CLOSED SESSION

City Attorney reported that on Item 4A, council took no reportable action; 4B Evaluation of City Attorney, Council took no reportable action; and on 4C potential litigation, Council took no reportable action.

7. PUBLIC COMMENT ON CONSENT CALENDAR ITEMS

There was 1 comment from the public on the retirement of Robert Jones.

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 pulled Item 4B from the consent agenda.

Action: Upon motion by Vice Mayor, Wallace-Jones and seconded by Councilmember Romero, the City Council voted 4-0-1-0 to approve the Consent Calendar minus Item 4B.

AYES: Wallace-Jones, Romero, Moody, Gauthier

NOES: None

ABSENT: Abrica

ABSTAIN: None

A. By motion, adopt a Proclamation Declaring April 14 - April 20, 2019, As Mosquito Awareness Week
(Lisa Gauthier, Mayor)

B. By motion, adopt a Proclamation Recognizing Robert Jones on his Retirement and 20+ Years Of Public Service to the Community for Creation of Housing Development Opportunities and Education
(Marie McKenzie, Administrative Services Director)

Mayor Gauthier pulled this item from Consent and presented the Proclamation to Mr. Jones. Council members gave comments on his crucial role in providing affordable housing to East Palo Alto and was thanked for his work.

Action: Upon motion by Mayor Gauthier and seconded by Councilmember Romero, the City Council voted 4-0-1-0

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

C. Adopt a resolution recommending that the City Council:

- 1. Accept the Calendar Year 2018 Housing Element Annual Progress Report required under Government Code Section 65400;**
- 2. Direct staff to submit the 2018 Housing Element Annual Progress Report to the appropriate State authorities;**
- 3. Accept the Fiscal Year 2017-18 Housing Successor to the Redevelopment Agency Annual Report; and**
- 4. Find that the acceptance and submittal of the 2018 Housing Element Annual Progress Report is exempt from the California Environmental Quality Act**

(Patrick Heisinger, Community and Economic Development Director; Guido Persicone, Planning Manager; Daniel Berumen, Senior Planner)

The City Council approved Resolution No. 5095

D. Adopt a resolution:

- 1. Authorizing the City Manager to execute a Memorandum of Understanding with Racing Hearts, which is included as Exhibit A to the Resolution;**
- 2. Accept the donation of (13) Automated External Devices and the related supplies to benefit the East Palo Alto Police Department in their effort to provide assistance during a cardiac emergency; and**

3. Formally express the City's appreciation for the donation of the Automated External Devices.

(Albert Pardini, Chief of Police)

The City Council approved Resolution No. 5096

9. ORAL REPORTS

A. Staff Reports

- Sean Charpentier had nothing to report.
- Chief of Police reported on PD awards from Lions Rotary and gave an update on the current matters impacting City of East Palo Alto.
- City Clerk announced that a Notice of Vacancies for various Boards, Commissions and Committees for City Council was published on local newspapers and posted on social media.

B. City Council Reports

- Council member Moody attended the Stanford University event with Gov. Newsome as the guest speaker and has materials to share with City Manager re potential partner in west end of City and potential for resources to City; attended 10th annual anniversary of Oscar Grant Foundation in Oakland wherein keynote speaker was Rev. Jesse Jackson; attended NAACP dinner hosted by San Mateo Chapter in Foster City and Rev. Amos Brown served as MC for the event and keynote speaker was Hon. Willie Brown. He attended as the Chair for the Community Services Division of the California League of Cities meeting in Costa Mesa; he will share information gathered. He commented on City's Parks and that Public Works does a good job caring for keeping them clean; he challenged residents to engage in doing outdoor activities and asked for supervised programs in Parks in the afternoon as the health and wellness of community is important.
- Council member Romero had nothing to report.
- Vice Mayor reported on the Stanford General Plan's provisions for 10,000 new people on campus; only 3000 housing units will be provided; she asked City to join and give Stanford our concerns during this process; she added the current plan calls for a major ASK: road improvements, bike/pedestrian, water management; shuttle bus services and improvements on campus to avoid congestion on streets; it includes in-lieu property taxes for public schools; free shuttle buses totaling hundreds of thousands of dollars and asks Community review this proposal. The letter should be entered into minutes so that those reviewing the Minutes can review the general plan and read what Council is asking.

Interim City Manager asked Vice Mayor for clarification if the letter is prepared for the record and submit it before deadline for approval from the Council. Vice Mayor affirmed.

- Mayor Gauthier reported on the devastating impact of mylar balloons specifically one that took out the power in East Palo Alto a few days earlier; she reminded public to take care of environment. She calls the Palo Alto newspaper on task as they wrote an article on the traffic in East Palo Alto by ; mocking a community that has issues and shows lack of respect. She requested that a letter be sent to them and ask for respect to our community and to not write articles like that in their paper.

Mayor Gauthier announced that since Mr. Abrica was not present in meeting that Item 14D was moved to the April 16, 2019 agenda and apologized for late announcement.

10. COMMUNITY FORUM

There were 9 speakers from the public. Some of the topics mentioned were: announcement on upcoming farmers market; Safe Palo Alto Groundwater; representative from Ravenswood Little League announcing parade on April 13, 2019 at 9 a.m. seeking waiver of fees for parade; resident requesting repairs on Addison St; adult classes in Palo Alto High school; and black history genius celebration.

11. INFORMATIONAL REPORT - NONE

12. SPECIAL PRESENTATION (10 mins max)

**A. San Mateo County WiFi in the Parks Program, by Benny Lee
Public WiFi Program Director**

Benny Lee, Public WiFi Program Director for County of San Mateo gave a presentation and answered City Council questions.

There were 2 comments from the public.

B. Community Emergency Response Team by Robert Jones

Mr. Jones gave a presentation to the Council and answered their questions.

There were no comments from the public.

13. PUBLIC HEARINGS - NONE

14. POLICY AND ACTION

**A. Appointment of Jaime Fontes as City Manager for the City of East Palo Alto
(Marie McKenzie, Administrative Services Director)**

Recommendation

Adopt a resolution appointing Jaime Fontes as the City Manager of the City of East Palo Alto and authorizing the Mayor to execute an Employment Agreement between the City of East Palo Alto and Jaime Fontes on behalf of the City Council.

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

Jaime Fontes provided comments to City Council and stated he is looking forward to begin working for East Palo Alto.

There were no comments from the public.

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

AYES: Wallace-Jones, Gauthier, Moody, Romero

NOES: None

ABSENT: Abrica

ABSTAIN: None

The City Council approved Resolution No. 5097

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

(Hanson Hom, former Interim Community Development Director; Patrick Heisinger, Community Development Director)

Recommendation

By motion:

1. Waive the second reading and adopt 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 repeal Chapter 12.12, Article II (Storm Drainage Fees) of the East Palo Alto Municipal Code.
2. Adopt the amended resolution to assess parks and trails, public facilities, storm drainage and transportation infrastructure impact fees with allowable adjustments and credits.
3. Find that approval of this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) because: it is not a project as it has no potential to result in direct or reasonably foreseeable indirect physical change to the environment (14 Cal. Code Regs. §15378(a); and the project does not create a funding mechanism or other government fiscal activity that involve any commitment to a specific project which may result in a potentially significant physical impact on the environment (14 Cal. Code Regs. §15378(b)(4). Projects that may receive funding with development impact fees would be required to comply with applicable project-specific CEQA requirements at the time such projects are proposed for implementation.

SeanCharpentier, Interim City Manager, presented the report to City Council and answered questions.

There were no comments from the public.

Action: Upon motion by Council member Romero and seconded by Mayor Gauthier, the City Council **voted 3-1-1-0**.

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

The City Council adopted Ordinance No. 422.

C. Proposed Joint Permitting Agreement, Memorandum of Understanding (MOU) and related approvals for a Bay Trail Connection proposed by the Midpeninsula Open Space District (MPOSD)

(Hanson Hom, former Interim Community Development Director, Guido Persicone, Planning Manager, Arthur Henriques, Consulting Senior Planner)

Recommendations

Adopt a resolution:

1. Authorizing the City Manager to execute: (a) Joint Permitting Agreement between East Palo Alto, the City of Menlo Park, and the Midpeninsula Open Space District (MPOSD) to allow an approximately 0.6-mile Ravenswood Bay Trail; and (b) Memorandum of Understanding (MOU) between the City and the Midpeninsula Open Space District (MPOSD); and
2. Finding that the approval by the City Council of the items noted are consistent with the Mitigated Negative Declaration previously adopted for the Trail project by the Midpeninsula Open Space District in 2016 and by the City related to the previously adopted Ravenswood/Four Corners TOD Specific Plan EIR.

Art Henriquez, Consulting Senior Planner and Gretchen Lasta, Planner with Mid-Peninsula District, presented the report to City Council and answered questions.

There were 2 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 adopted Resolution No. 5098.

Mayor Gauthier announced that due to the absence of Council member Abrica in tonight's meeting, he requested Item 14D be continued to the next meeting in April.

Action: On a motion by Vice-Mayor Wallace-Jones, seconded by , Walcouncil member Romero, Item 14D (below) was continued to the April 16, 2019 meeting, the City Council voted 4-0-1-0.

Item 4D below was continued to next City Council meeting, April 16, 2019

~~D. Communities Overcoming Relationship Abuse (CORA) Domestic Violence (DV) Pilot Program Request for an Additional Year of Program Funding in the Amount of \$99,979.11~~

(Marie McKenzie, Administrative Services Director)

Recommendation

~~Provide direction regarding a request from the Communities Overcoming Relationship Abuse (CORA) Domestic Violence (DV) Pilot Program for an additional year of program funding in an amount not to exceed \$99,979.11.~~

~~If the Council decides to grant the request, City staff recommends that the Council adopt a resolution authorizing: (1) the City Manager to enter into an Agreement with CORA to provide funding for one additional year of Domestic Violence Prevention Services in an amount not to exceed \$99,979.11, and (2) the use of Transient Occupancy Tax (TOT) Children, Youth, and Family Special Revenue Fund (F231) as the source of program funding.~~

E. 100% Design of the 2018/19 Annual Street Resurfacing Project

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

Recommendation

Adopt a resolution approving the Plans, Specifications and Estimates of the 2018/19 Annual Street Resurfacing Project, and authorizing the City Manager to advertise the project to solicit bids for the construction phase.

Humza Javed, City Engineer, presented the report to City Council and answered questions.

There were 2 comments from the public.

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

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

The City Council adopted Resolution No. 5099.

F. Appointment to the Member Agency Committee of the Housing Endowment and Regional Trust (HEART) of San Mateo County
(Maria Buell, City Clerk)

Recommendation:

By motion and by City Council majority, a Council member will be appointed to the Member Agency Committee (MAC) of the Housing Endowment and Regional Trust (HEART) of San Mateo County.

Sean Charpentier, Interim City Manager, presented the report to City Council and answered questions.

There were no comments from the public.

Action: Upon motion by Vice Mayor, Wallace-Jones and seconded by Mayor Gauthier, the Council appointed Larry Moody to the HEART Member Agency Committee. The City Council **voted 4-0-1-0**.

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

G. Response to the San Mateo County Grand Jury Report: “Smoke-Free Multiunit Housing: No Ifs, Ands, or Butts”
(Patrick Heisinger, Community Development Director, Victor Ramirez, Rent Stabilization Program Administrator)

Recommendation

1. Receive presentation on Smoke-Free Multiunit Housing by the San Mateo County Tobacco Prevention Program;
2. Receive staff’s report and public comments in regard to the San Mateo County Grand Jury Report: “Smoke-Free Multiunit Housing: No Ifs, Ands, or Butts;”
3. Hold a policy discussion on restricting smoking in multiunit housing;
4. Adopt a resolution authorizing the Mayor to send a follow up letter to the City’s October 23, 2018 initial response letter to the Honorable V. Raymond

- Swope, Judge of the Superior Court of San Mateo County, completing the City's response to the San Mateo Civil Grand Jury Report; and
5. Provide staff with direction to take further steps if any.

Victor Ramirez, Rent Stabilization Program Administrator, introduced Francesca Lomotan, from the San Mateo County Tobacco Prevention Program and both presented the report to City Council and answered questions.

Council requested that Staff explore further options for reduction of smoke and asked that it be added to response letter.

There was 1 comment from the public.

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

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

The City Council adopted Resolution No. 5100.

H. Proposed Disposition Process for the Below Market Rate Unit Located at 1765 East Bayshore #218.

(Patrick Heisinger, Community and Economic Development Director)

Recommendation

Provide staff with direction regarding the proposed disposition process for the Below Market Rate unit located at 1765 East Bayshore #218.

Patrick Heisinger, Community Development Director, presented the report to City Council and answered questions.

Council provided comments on this item to Staff. Council member Moody had concerns with a requirement of 6 months residency/work in City as a way to determine criteria.

Sean Charpentier, Interim City Manager, offered to return on April 16th and provide information on what other jurisdictions are using as parameters for qualifying potential purchasers and establish a set of eligibility criteria.

Mayor requested staff to bring back a "best practice" scenario.

Council member Romero asked on the Lottery system being proposed and the 4 different qualifying methods and questioned a 3-month timeframe for a potential buyer to clean up their credit record.

There were 2 comments from the public.

I. Professional Services Agreement with David J. Powers in an Amount-not- to- Exceed \$944,768, and with EMC Planning in an Amount-not- to-Exceed \$484,818, to Provide Developer-Reimbursed Environmental Review Services
(Patrick Heisinger, Community and Economic Development Director, Guido Persicone, Planning Manager, AICP)

Recommendation

A. Adopt Resolutions authorizing the City Manager to:

1. Execute a professional services agreement, in a form approved by the City Attorney, with David J. Powers in an amount not-to-exceed \$944,768 for a three-year term; and
2. Execute a professional services agreement, in a form approved by the City Attorney, with the EMC Planning Group in an amount not to exceed \$484,818 for a three-year term; and
3. Execute Reimbursement Agreements with Developers, in forms approved by the City Attorney, to establish terms of reimbursement for professional services and other allowable costs incurred related to development applications.

B. By Motion, authorize the issuance of Requests for Qualifications (RFQ) to identify the necessary consultants to assist the City with processing development applications.

Patrick Heisinger, Community Development Director, presented the report to City Council and answered questions.

There was 1 comment from the public.

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

AYES: Gauthier, Wallace-Jones, Moody, Romero

NOES: None

ABSENT: Abrica

ABSTAIN: None

The City Council adopted Resolutions No. 5101 and No. 5102.

15. ADJOURNMENT

The City Council regular meeting adjourned at 11:26 p.m.

Respectfully submitted by: María Buell, City Clerk