



City of East Palo Alto MINUTES

TUESDAY, APRIL 16, 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, Romero, Wallace-Jones

ABSENT: Moody

2. APPROVAL OF THE AGENDA

(Government Code Section 54957.7(a))

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

AYES: Romero, Abrica, Wallace-Jones, Gauthier

NOES: None

ABSENT: Moody

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 6:31 p.m.

A. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

(Government Code section § 54956.8)

Property: 1600 Bay Road, East Palo Alto, CA, 94303 APN 063-221-010.

Agency Negotiation: Sean Charpentier, Interim City Manager, Rafael E. Alvarado Jr., City Attorney, Patrick Heisinger, Community & Economic Development Director, Guido Persicone, Planning Manager, and Karen Tiedemann, Special Counsel.

Negotiating Parties: City of East Palo Alto.

Under Negotiation: Price and Terms.

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Government Code section 54957)

TITLE: City Attorney

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 on Items 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.

Mayor Gauthier pulled Items 8I and 8D from Consent Calendar and asked Interim City Manager to provide a brief report.

Action: Upon motion by Vice Mayor Wallace-jones and seconded by Council member Moody, the City Council voted 5-0-0-0 to approve the Consent Calendar minus Items 8I and 8D.

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

NOES: None

ABSENT: None

ABSTAIN: None

A. By motion, adopt a Proclamation Recognizing & Celebrating Cinco De Mayo Festival Latino Day On Sunday, May 5th, 2019

(Ruben Abrica, Council member)

B. Adopt a Resolution authorizing the City Manager to:

- 1. Amend the contract with Tucker Construction, in a form acceptable by the City Attorney, to extend the agreement for one additional year (from April 16, 2019 until April 16, 2020); and to add the option for the City Manager to extend the contract term for another 12 months;**
- 2. Add \$60,000 in budget authority for a new, not-to-exceed amount of \$178,362**

*(Patrick Heisinger, Community and Economic Development Director
Michelle Daher, Management Analyst)*

The City Council approved Resolution No. 5103

C. Adopt a resolution authorizing the City Manager to:

- 1. Execute a contract amendment with AECOM, in a form approved by the City Attorney, for an amount not to exceed \$20,000 for professional services during the public review process for adoption of development impact fees, and the implementation of the adopted fees; to be billed on a time and materials basis; and**
- 2. Establish an overall project budget of \$227,750.**

(Patrick Heisinger, Community and Economic Development Director)

The City Council approved Resolution No. 5104

D. By motion:

- 1. Receive the staff report regarding the Committee to House the Bay Area (CASA); and**
- 2. Authorize the Mayor to send a comment letter to the California Legislature for proposed legislative bills ACA1, SB5, SB50, AB1481, AB1482, AB36, and SB18.**

(Patrick Heisinger, Community and Economic Development Director, Victor Ramirez, Rent Stabilization Program Administrator)

Sean Charpentier, Interim City Manager, provided a report to the City Council and answered their questions. He stated the number of housing legislation bills are higher this year than in years past and that Cities like San Francisco and Los Angeles have expressed concerns with some of these bills. He recommended that language be added to SB50 to avoid incurring those items onto City as the Bill is complicated and contentious and the language needs to be added to protect renters and property owners.

Council member Abrica supports Staff's recommendations on the letter.

Vice Mayor Wallace-Jones acknowledged City's recommendation and wants to understand how City is being impacted on the regional problem of lack of housing. Mayor Gauthier stated they were invited with Palo Alto and Mountain View to discuss the regional impacts of these bills with City.

There was one comment from the public.

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

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

- E. Adopt a resolution authorizing the City Manager to Award a three-year contract to lowest bidder Superior Mechanical, Inc. in a form to be approved by the City Attorney, to provide essential facilities heating, ventilation and air conditioning services and repair for City facilities in an amount not to exceed \$40,000.00 annually, with the option for the City Manager to extend the contract for two additional one-year terms.**

(Kamal Fallaha, Director of Public Works, Jay Farr, Maintenance Division Manager)

The City Council approved Resolution No. 5105

- F. Adopt a resolution authorizing the City Manager to:**
- 1. Submit an SB 2 Planning Grant Program (Program) application to the Department of Housing and Community Development (HCD) for the purposes of conducting the necessary analysis, community outreach, and staff time for completing inclusionary housing analysis; and**
 - 2. If the City's application is funded, enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) in the amount of \$160,000 and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant.**

(Patrick Heisinger, Community and Economic Development Director)

The City Council approved Resolution No. 5106

- G. Adopt a Resolution authorizing the City Manager to:**
- 1. Execute a contract, in a form approved by the City Attorney, based on the Scope of Work and Budget attached as Exhibit A to the Resolution, with Environcom for an amount not to exceed \$20,000 to be billed on a time and material basis.**
 - 2. Waive the formal bid procedures under section 2.84.070(D) of the Municipal Code due to the special circumstances of Environcom's experience to with East Palo Alto and the need to begin preparation for these events.**

(Marie McKenzie, Administrative Services Director)

The City Council approved Resolution No. 5107

H. Receive an update on the status of the RV Safe Parking Pilot Program (RVS3P)

(Patrick Heisinger, Community and Economic Development Director)

I. By motion, approve the Updated budget calendar for the Adoption of the FY 2019-2020 Budget

Sean Charpentier, Interim City Manager, provided a report to the City Council and answered their questions. He stated the updated Budget Calendar changes the City Manager message from 5/7/19 to 5/21/19 to coincide with the Budget Study Sessions.

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

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

9. ORAL REPORTS

A. Staff Reports

- Sean Charpentier, Interim City Manager provided an update on community meeting regarding the transfer of water on 4/18/19 here in City Hall. Council member Moody asked if it will be televised. Mayor stated Water Company provided residents an announcement of this meeting along with their water bill this week. Menlo Park Fire District will be testing the long range system on April 18 at 2 PM at the fire station and will be heard by residents - - but this is only a TEST and the public will be notified.
- Chief of Police reported the Police Department has 3 openings and has officers out on medical leave. His department currently has 24 patrol officers and is down 6. He gave an update on criminal cases and that based on Next Door, statistics show that crime in East Palo Alto went down to 418 and is now below the State average.

B. City Council Reports

- Council member Moody had nothing to report.
- Council member Abrica apologized for not being able to participate in the teleconference scheduled on April 2, 2019. He was out of town and due to unexpected delays the teleconference did not happen.
- Vice Mayor Wallace-Jones reported that she and Mayor Gauthier plan on having a town hall meeting on May 4th (time and location pending) to address the community concerns on the selection of the new City Manager and refreshments will be provided.

- Council member Romero had nothing to report.
- Mayor Gauthier had nothing to report.

10. COMMUNITY FORUM

There were 3 speakers who provided public comment.

11. INFORMATIONAL REPORT

A. Community Rating System (CRS) activities improving the City’s Class 8 rating to a Class 7, resulting in up to a 5% discount in flood insurance premiums for properties in the Special Flood Hazard Area (SFHA)
(Patrick Heisinger, Community and Economic Development Director, Guido Persicone, Planning Manager, Daniel Berumen, Senior Planner)

Recommendation:

Receive report and provide necessary feedback

There was one comment from public.

12. SPECIAL PRESENTATION (10 mins max)

A. San Mateo County Mosquito & Vector Control District report by Donna Rutherford

Former Council member, Donna Rutherford provided a full report to Council on the activities and upcoming open house on April 18, 2019, with San Mateo County Mosquito & Vector District. Council thanked Ms. Rutherford for her ongoing commitment in representing East Palo Alto and for providing information to the public on mosquitoes and vectors.

13. PUBLIC HEARINGS - NONE

14. POLICY AND ACTION

A. 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.

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

Mayor Gauthier and Council members Romero and Abrica asked questions to the CORA representative, Janet Horwell.

Council member Abrica stated he supports funding CORA this year.

Council member Romero highlighted that the request for funding is outside the TOT funding cycle and not appropriate. Measure C monies were reprioritized and CORA's funding this year would make it 3 years. He added that at the last Measure C funding, other organizations were funded. He believes there are currently over \$600K in TOT; and that as Chief Pardini stated, there is need for these services to the community.

Chief Pardini stated that CORA is a good organization and the services provided are very much needed in our community. As a 3d party organization, CORA finds that the levels of violence are higher than what the police department would normally obtain. CORA might be a footprint to a national model and use of this data to correlate the levels of domestic violence would by greatly benefit East Palo Alto.

Council member Moody stated that CORA is a well-recognized organization; however, he stressed the process used to obtain funds. CORA missed the cycle and other organizations were there. Application process, timelines and those steps were missed by CORA. He will vote against it.

Council member Abrica spoke on precedent already created by Council and Council created funding to assist incarcerated people and provide the program to assist them after jail. TOT funds are used at the discretion of Council anytime. A substantial balance is still left. Measure C had about \$150K leftover and yet Council used those funds without establishing a process on how to dispose of those unspent funds. That process was not followed and he added he did not understand how creating an artificial argument on process and procedures being is so important.

Mayor Gauthier reminded Council members of lengthy meeting ahead and asked that they continue to provide services and that some orgs were not funded.

Council member Romero stated this would be the third year CORA would be funded and hopefully metrics can be provided in order to support continuing the funding.

There were 2 comments from the public.

Action: Upon motion by Council member Romero and seconded by Council member Abrica, the City Council **voted 3-2-0-0**.

AYES: Romero, Abrica, Gauthier

NOES: Wallace-Jones, Moody

ABSENT: None

ABSTAIN: None

The City Council approved Resolution No. 5108

B. Request for Fee Waiver for Ravenswood Little League

(Marie McKenzie, Administrative Services Director, Azalea Renfield, Interim Community Programs Manager)

Recommendation

By motion, either approve or reject the Ravenswood Little League fee waiver request for their opening day parade cost scheduled for April 27, 2019, including Police Department Cost.

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

Mayor Gauthier asked the organizer if the Parade route could be shortened to minimize the impact on the Police Department's resources.

Anthony Johnson, representative of the Ravenswood Little League, provided a brief report and answered Council's questions. He agreed to cut short the parade route so as to not impact the Police Department resources.

There were no comments from the public.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

C. Recommended Process for the Disposition of the Below Market Rate Unit located at 1765 East Bayshore #218.

(Patrick Heisinger, Community Development Director)

Recommendation

By motion, approve staff's recommended approach for the disposition of the Below Market Rate (BMR) unit located at 1765 East Bayshore #218.

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

Council member Moody asked questions on the Lottery point system.

There were no comments from the public.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

D. Update on Mobility Study and Draft of Transportation Demand Management Policy for City Council Direction and Public Input

(Kamal Fallaha, Public Works Director; Susan Barnes, FUSE Executive Fellow / Mobility Project Mgr.)

Recommendation

Provide updated recommendations on the City Mobility Study Project and receive input and comments on recommendations from the City Council and Public. Staff, Hexagon and transportation consultant Doug Kim will make a presentation and provide an update on the City Mobility Study Project and Draft Transportation Demand Management Plan.

Kamal Fallaha, Public Works Director, introduced Susan Barnes, Greg Kim of Kim Associates and Michelle Hunt, of Hexagon. They presented the report to City Council and answered questions.

Sean Charpentier, Interim City Manager stated a Draft TDM will be brought back to Council in May.

Vice Mayor, Wallace-Jones requested feedback on the short term items.

Council member Moody thanked staff for the information and asked that it be shared with the Community and asked Staff to connect with local neighborhoods. In addition, he requested that school districts be asked to provide input on the TDM.

Mayor Gauthier wants back information on enforcement and that it should be implemented now.

There were 7 comments from the public.

E. Facilities Master Plan and City Hall Tenant Improvements Update

(Jerry Chang, FUSE Executive Fellow, Humza Javed, City Engineer)

Recommendation:

Receive update on process for Facilities Master Plan and City Hall Tenant Improvements.

Provide guidance on Design Schemes on Council Chambers and Community Room.

Jerry Chang, FUSE Executive Fellow, presented the report to City Council and answered questions. Fred and Andrea Powell, from Powell Architects also gave a presentation to City Council and elaborated on the proposed options for spaces for City Council chambers and back portion of Chambers.

There were no comments from the public.

Council member Wallace-Jones asked if desks/tables will be stationary.

Council member Moody liked Option 1 for Council chambers.

Council member Romero liked Option 3 for Council chambers.

Council member Abrica wants everyone seated on same level as Council members.

At 11:54 p.m., City Attorney reminded Council that in order to extend the meeting past midnight, Council must do so via a Motion.

Action: Upon motion by Council member Romero and seconded by Council member Moody, the City Council **voted 5-0-0-0** to extend the meeting past midnight.

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

NOES: None

ABSENT: None

ABSTAIN: None

15. ADJOURNMENT

The City Council regular meeting adjourned at 12:11 a.m.

Respectfully submitted by María Buell, City Clerk.