



City of East Palo Alto MINUTES

TUESDAY, MAY 7, 2019

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

1. CALL TO ORDER AND ROLL CALL

Mayor Gauthier called the meeting to order at 6:39 p.m.

PRESENT: Gauthier, Romero, Wallace-Jones

ABSENT: Abrica, Moody

2. APPROVAL OF THE AGENDA

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

AYES: Wallace-Jones, Romero

NOES: None

ABSENT: Abrica, 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 6:40 p.m.

A. CONFERENCE WITH LABOR NEGOTIATORS

(Government Code section 54957.6)

Agency Designated Representative(s): Jaime Fontes, City Manager, Rafael E. Alvarado Jr., City Attorney, Marie McKenzie, Administrative Services Director

Employee Organization: Service Employees International Union – Local 521, East Palo Alto Management Employees' Association, East Palo Alto Police Officers' Association

5. CITY COUNCIL TO RECONVENE INTO OPEN SESSION

The City Council reconvened into open session at 7:15 p.m.

Council members Abrica and Moody joined meeting at 7:15 p.m.

6. REPORT OUT OF CLOSED SESSION

City Attorney reported that at closed session, Council gave staff direction on Item 4A but took no reportable action.

7. PUBLIC COMMENT ON CONSENT CALENDAR ITEMS

There were no comments 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.

Staff requested Council to move Item 8J to a future City Council meeting. Mayor Gauthier asked to pull Item 8G Council member Romero pulled Item 8I.

Action: Upon motion by Councilmember Romero and seconded by Vice Mayor Wallace-Jones, the City Council voted 3-0-2-0 to approve the Consent Calendar, minus Items 8G and 8I.

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

A. Proclamation Declaring May 2019 As Asian-Pacific Islander Heritage Month
(Lisa Gauthier, Mayor)

B. Proclamation Celebrating the 50th Anniversary and Declaring May 5-11, 2019 as Municipal Clerks Week
(Lisa Gauthier, Mayor)

C. Proclamation celebrating Dave Muffly, arborist and designer of the East Palo Alto initiative tree plantings
(Lisa Gauthier, Mayor)

D. Adopt a resolution authorizing the City Manager to:

- 1. Increase the construction contingency for the O'Connor Pump Station Trash Capture Improvement Project in the amount of \$26,717 to pay for**

change orders arising from unforeseen conditions at the O'Connor Pump Station Outfall Structure; and

2. Execute the change orders to compensate Teichert & Sons Inc., for the additional unforeseen work; and
3. Appropriate \$26,717 from the General Fund reserve to the CIP SD-1 Trash Capture Project; and
4. Approve a new construction budget not to exceed \$405,067; and
5. Accept the improvements of the project and authorize the City Clerk to record Notice of Completion; and
6. Release of the contract retention balance after recordation for the Trash Capture Retrofit project at the O'Connor Pump Station.

(Sean Charpentier, Assistant City Manager Kamal Fallaha, Public Works Director, Humza Javed, City Engineer, Shari Carlet, Senior Engineer)

The City Council approved Resolution No. 5109

- E. Accept and File the Treasury Report for the third quarter ending March 31, 2019**

(Sean Charpentier, Assistant City Manager, Brenda Olwin, Finance Director, Agnes Pabis, Financial Services Manager)

- F. Adopt a Resolution authorizing the City Manager to execute Amendment No. 2 to the AECOM Technical Services, Inc. contract in an amount not-to-exceed \$45,165.44 for a contract grand total of \$1,217,746.96, for additional Construction Management and Inspection Services for the Clarke Avenue-Hwy 101 Bicycle/Pedestrian Overcrossing Project (POC).**

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

The City Council approved Resolution No. 5110

- G. Adopt a resolution authorizing the City Manager to dispense with formal bid procedures pursuant to East Palo Alto Municipal Code section 2.84.070 D and issue three purchase orders for a total amount not to exceed \$70,356.68, as follows:**

1. \$39,561.48 for to Folsom Lake Ford for the purchase of one 2020 Ford Explorer Police patrol vehicle;
2. \$17,859.42 for Telepath Corporation for emergency equipment and radio;
3. \$12,935.78 for BMS/Data911 for a mobile computer and camera system.

(Sean Charpentier, Assistant City Manager, Albert Pardini, Chief of Police)

Mayor Gauthier asked why more vehicles are being purchased when the department is losing staff. Chief Pardini provided an answer.

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

AYES: Gauthier, Romero, Wallace-Jones

NOES: None

ABSENT: Abrica, Moody

ABSTAIN: None

The City Council approved Resolution No. 5111

H. Authorize City Manager to:

- 1. Execute a construction contract with Granite Construction Company in the amount of \$1,561,527 in a form approved by the City Attorney;**
- 2. Establish a construction contingency, and execute future change orders in an amount not-to-exceed the appropriated construction contingency of \$156,152.70 (10% of construction contract amount);**
- 3. Establish a construction budget in an amount not-to-exceed \$1,717,679.70.**

(Sean Charpentier, Assistant City Manager, Kamal Fallaha, Public Works Director, Humza Javed, City Engineer, Ahmad Mokhtar, Assistant Engineer)

The City Council approved Resolution No. 5112

I. Adopt a resolution:

- 1. Authorizing the City Manager to submit a letter of interest to participate in the San Mateo County's Home For All Second Unit "One Stop Shop" Pilot Program;**
- 2. Appropriating \$50,000 in Measure O General Funds for the Pilot Program if the City is selected to participate;**
- 3. Authorizing the amendment and transfer of FY 2018-19 Budget appropriations totaling \$250,000 for homelessness assistance related to the RV Safe Parking Pilot from the General Fund to the Housing Successor Funds; and**
- 4. Directing staff to return to the City Council for further approvals if the City is selected to participate in the Pilot Program.**

(Sean Charpentier, Assistant City Manager, Patrick Heisinger, Community and Economic Development Director, Victor Ramirez, Rent Stabilization Program Administrator)

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

AYES: Romero, Gauthier, Wallace-Jones

NOES: None

ABSENT: Abrica, Moody

ABSTAIN: None

The City Council approved Resolution No. 5113

Council agreed with Staff's request to move Item 8J below to a future City Council meeting.

- J. Adopt a resolution authorizing the San Mateo County Controller to apply the Measure HH charges to the 2019-20 tax roll and authorizing the tax collector to collect the taxes at the same time and in the same manner as the general county taxes are collected.**

(Sean Charpentier, Assistant City Manager, Brenda Olwin, Finance Director, Greg Henry, Senior Finance Project Manager)

- K. Adopt a resolution authorizing the City Manager to apply for a County of San Mateo Department of Housing CDBG grant for the replacement of the Senior Center roof and other improvements if feasible, in the amount of \$50,000; to accept the grant; and to sign all documents, subject to the approval of the City Attorney, necessary to submit the application and accept the grant.**

(Sean Charpentier, Assistant City Manager, Marie McKenzie, Administrative Services Director)

The City Council approved Resolution No. 5114

- L. Adopt a resolution authorizing the City Manager to:**

- 1. Execute a second amendment to the David J. Powers contract in a form approved by the City Attorney, for an amount not to exceed \$82,000 for environmental services; and**
- 2. Establish an overall project budget of \$1,208,892.**

(Sean Charpentier, Assistant City Manager, Patrick Heisinger, Community, and Economic Development Director, Guido F. Persicone, Planning Manager)

The City Council approved Resolution No. 5115

Council member Abrica joined meeting at 7:21 p.m.

9. ORAL REPORTS

A. Staff Reports

- Jaime Fontes, City Manager, reported attending the May 4 Town Hall meeting and on May 5th, the Cinco de Mayo parade.
- Sean Charpentier, Assistant City Manager reminded residents that removal of private trees without city approval will lead to incurring fines imposed on property owner and vendor removing them. He encouraged to call Planning Office at 650 853-3189 and ask for information on getting a permit. He also announced a ribbon cutting ceremony of Pedestrian Over Crossing on May 18 from 10-noon. A Bike to Work day will take place on Thursday; and the release of a Draft EIR by the San Francisquito Creek JPA on Phase II being presented to the community on May 29, at City Council chambers 7-8:30 p.m.
- Chief of Police reported a list of arrests in City.

B. City Council Reports

- Council member Moody was absent.
- Council member Abrica had nothing to report.
- Council member Romero had nothing to report.
- Vice Mayor attended a meeting with Ravenswood School district with Council member Moody and topics of summer session and workforce housing ; she attended the May 4th Town Hall meeting and reported being successful with large attendance and hopes to have a follow-up meeting in August; attended an excellent Cinco de Mayo celebration; attended the Stanford General Plan meeting in Santa Clara; and the Joint meeting with cities of Menlo Prk and Palo Alto on May 6th.
- Mayor Gauthier attended the Joint meeting with Menlo Park and Palo Alto on SB20; she attended the Town Hall on May 4th and she also welcomed new City Manager, Jaime Fontes.

10. COMMUNITY FORUM

There were 10 speakers. Some of the topics mentioned were Measure O, housing displacement, jazz festival, mental health awareness month in May and foster youth month in May.

11. INFORMATIONAL REPORT

A. Semi-Annual Affordable Housing Strategy Progress Report 2019-1

(Sean Charpentier, Assistant City Manager, Patrick Heisinger, Community Development Director)

Recommendation:

Receive the semi-annual progress report on the Affordable Housing Strategy.

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

There was 1 comment from the public.

Council member Moody joins meeting at 8:37 p.m.

12. SPECIAL PRESENTATION (10 mins max)

A. Tobacco Policy Initiative by Shawneece Stevenson, Bay Area Community Health Advisory Council

There were 5 comments from the public.

13. PUBLIC HEARINGS - NONE

14. POLICY AND ACTION

A. Transient Occupancy Tax (TOT) Grant Recommendations from Community Grants Review Panel (CGRP)

(Sean Charpentier, Assistant City Manager, Marie McKenzie, Administrative Services Director, Karla M. Prince-Cheng, Administrative Grants Coordinator)

Recommendation:

Review recommendations, and adopt a resolution to allocate funding to the following organizations as follows:

Transient Occupancy Tax (TOT)

Recommended Organization	Recommended Amount
Bayshore Christian Ministries (BCM)	\$ 11,174
Canopy	\$ 16,000
East Palo Alto (EPA) Greyhounds	\$ 16,000
Free at Last (FAL)	\$ 16,000
Fresh Approach (Formerly Collective Roots)	\$ 16,000
Foundation for a College Education (FCE)	\$ 16,000
Midpeninsula Athletic Association (MPAA)	\$ 16,000
Peninsula Volunteers Inc./Meals on Wheels (PVI/MOW)	\$ 15,688
Razorhawks Youth Rugby Club	\$ 15,965
Retraining the Village (RTV)	\$ 11,173
GRAND TOTAL	\$ 150,000

Karla M. Prince-Cheng, Administrative Grants Coordinator, presented the report to City Council and answered questions.

There were 3 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

The City Council approved Resolution No. 5116

B. Adopt a Resolution of Intent to Increase Water Service Rates on July 2, 2019 and each July 1st thereafter through July 1, 2023 and Provide Notice of a Proposition 218 Public Hearing Set for July 2, 2019

(Sean Charpentier, Assistant City Manager, Brenda Olwin, Finance Director, Greg Henry, Senior Finance Project Manager)

Recommendation:

Adopt a resolution of Intent to Increase Water Service Rates on July 2, 2019 and each July 1st thereafter through July 1, 2023 and Provide Notice of a Proposition 218 Public Hearing Set for July 2, 2019.

Greg Henry, Senior Finance Project Manager, and the Consultant for the project, presented the report to City Council, explained City's role in setting new rates as they are needed, and answered their questions.

There were 3 comments from the public.

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

AYES: Romero, Wallace-Jones, Abrica, Gauthier

NOES: None

ABSENT: None

ABSTAIN: None

The City Council approved Resolution No. 5117

C. Inclusionary Housing Study Session

(Sean Charpentier, Assistant City Manager, Patrick Heisinger, Community Development Director)

Recommendation:

Accept and provide direction to staff regarding inclusionary housing.

Patrick Heisinger, Community Development Director, presented the report to City Council and answered questions and acknowledged 3 letters submitted to Council on this item.

Council member Romero asked that the Ordinance include 20%; agrees with affordability of 30-60% AMI.

Council member Moody asked questions on the ADU's and execution of the In-Lieu Fee and to review impacts on community and asked staff to provide this info back to Council.

Council member Abrica stated he appreciated the study guide; supports resting what we had and supports points made in the letters council received.

Mayor Gauthier wants 20% inclusionary and stay away from in-lieu fees; agrees with comments on letters received.

Staff acknowledged the comments and direction received from Council.

There were 11 comments from the public.

D. City Attorney Contract Extension

(Marie McKenzie, Administrative Services Director)

Recommendation:

Adopt a resolution authorizing the Mayor, on behalf of the City Council, to execute a First Amendment to the Employment Agreement between the City of East Palo Alto and Rafael E. Alvarado Jr.

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

There were no comments from the public.

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

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

The City Council approved Resolution No. 5118

15. ADJOURNMENT

The City Council regular meeting adjourned at 11:10 p.m.

Respectfully submitted,
Maria Buell, City Clerk