



City of East Palo Alto MINUTES

TUESDAY, MAY 21, 2019

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

1. CALL TO ORDER AND ROLL CALL

Mayor Gauthier called the meeting to order at 6:33 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 Mayor Gauthier, the City Council **voted 4-0-1-0** to approve the Agenda.

AYES: Romero, Gauthier, Abrica, Wallace-Jones

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 6:34 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 Organizations: 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 7:28 p.m.

6. REPORT OUT OF CLOSED SESSION

City Attorney reported that City Council gave direction to Staff but took no reportable action at its closed session.

7. PUBLIC COMMENT ON CONSENT CALENDAR ITEMS

There was / were 2 comments from the public on Item 8D.

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.

Vice-Mayor Wallace Jones asked to pull Item 8D from the agenda 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 Item 8D.

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

NOES: None

ABSENT: None

ABSTAIN: None

A. By motion, adopt a Proclamation Commemorating the Life of Dr. Alfred Benoni Le-Grand Sawyer

(Lisa Gauthier, Mayor)

B. By motion, adopt a Proclamation Commemorating the Life of Mrs. Genevieve Edwards-Price

(Lisa Gauthier, Mayor)

C. By motion, approve the City Council regular and special meeting minutes of January 12, 2019, January 15, 2019, January 26, 2019, February 8, 2019, February 9, 2019, February 11, 2019, March 5, 2019, March 19, 2019, April 2, 2019, and April 16, 2019.

(María Buell, City Clerk)

D. By motion, accept the Community and Economic Development Department (CEDD) Activity Report.

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

There were 2 comments from public.

This item was pulled by Vice Mayor, Wallace-Jones for additional discussion.

Jaime M. Fontes, City Manager and Sean Charpentier, Assistant City Manager provided a brief report and answered questions from Vice Mayor and Council.

Mayor Gauthier reminded that EPA has limited staff and asked staff to provide Council a workload and communicate to developers their status and know where their project is at.

Action: Upon motion by Vice Mayor, Wallace-Jones and seconded by council member Romero to receive Item 8D, the City Council voted 5-0-0-0.

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

E. Adopt a resolution authorizing the City Manager to enter into Amendment No. 1 to the Jack James Oversized Vehicle Tow Service Contract, in a form acceptable to the City Attorney, in an amount not to exceed \$25,000, for a new total not to exceed amount of \$52,000; and dispense with formal bid procedures pursuant to East Palo Alto Municipal Code section 2.84.070D due to the special circumstance that Jack James Towing Services offers specialized services.

(Sean Charpentier, Assistant City Manager, Albert Pardini, Chief of Police, Patrick Heisinger, Community Development Director, Michelle Daher, Management Analyst)

The City Council approved Resolution No. 5119

F. Adopt a resolution authorizing the City Manager to:

- 1. Issue a purchase order to Downtown Ford for the purchase of one Ford Expedition in the amount of \$42,316.26, and one 2019 Ford Transit Connect van for \$23,824.41, for a total amount not to exceed \$66,140.67; and**
- 2. Dispense with the formal bid procedures pursuant to East Palo Alto Municipal Code section 2.84.070(D).**

(Albert Pardini, Chief of Police)

The City Council approved Resolution No. 5120

G. By motion, approve the letter responding to the February 6, 2019 request by the 2018-19 Civil Grand Jury Continuity Committee regarding, “Soaring City Pension Costs – Time for Hard Choices” and authorize the Mayor to sign and send the letter to the San Mateo County Civil Grand Jury Continuity Committee.

(Brenda Olwin, Finance Director)

H. Adopt a Resolution ratifying:

- 1. The contract between the City of East Palo Alto and Tou Bar Equipment Rental in an amount not to exceed \$27,000; and**
- 2. the dispensing of formal bid procedures pursuant to East Palo Alto Municipal Code sections 2.84.060, 2.84.070(A) and 2.84.070(D), due to emergency circumstances.**

(Sean Charpentier, Assistant City Manager, Albert Pardini, Chief of Police, Kamal Fallaha, Public Works Director, Michelle Daher, Management Analyst)

The City Council approved Resolution No. 5121

I. Adopt a resolution approving a Capital Improvement list of proposed and adopted projects that may be funded in-part or solely with Fiscal Year 2019-20 Road Maintenance and Rehabilitation Account (SB 1) revenues.

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

The City Council approved Resolution No. 5122

J. By motion, approve the Mayor’s application for appointment to CCAG Flood and Sea Level Rise Resiliency District (FSLRRD) Board of Directors as the representative for the Southern District (Redwood City, Menlo Park, East Palo Alto, Atherton, Woodside, and Portola Valley).

(Lisa Gauthier, Mayor)

K. Approving the issuance of up to \$64 Million of Solid Waste Enterprise Bonds to Refinance Outstanding Bonds of the South Bayside Waste Management Authority (SBWMA) and to Finance Certain Improvements to Solid Waste Management Facilities of the SBWMA

(Brenda Olwin, Finance Director)

9. ORAL REPORTS

A. Staff Reports

- Chief of Police, Albert Pardini, reported on the start of a new police officer joined the Police Department ranks and will join community meetings; and another officer graduating from academy and will join in July.

- Jaime M. Fontes, City Manager, reported on the flights over East Palo Alto and discussions on potential litigation with FAA and City of Menlo Park reconsidering a minimum wage before their council.

B. City Council Reports

- Council member Moody reported on the Committee being formed and mentioned by Council member Abrica and the importance to create these groups on the evening time. Asked that an officer police the Pedestrian Over Crossing (POC) to ensure our residents remain safe. He added that Menlo Park is raising minimum wage and as President for the Peninsula Division of the League of Cities formulated a group to discuss the creation of workforce opportunities and East Palo Alto continues to participate in this discussion.
- Council member Abrica reported attending the grand opening of the RV Safe Park and was very well received and progress on the area and he is glad to see it. Also the POC grand opening on Saturday and was well attended. He referenced the start of a “Friends of the Bridge” group and give support to the youth and deter vandalism.
- Council member Romero had nothing to report.
- Vice Mayor Wallace-Jones reported that 2 weeks ago she and Moody joined the Ravenswood School Board and heard the challenges our students face in transferring to those school and their parents need to provide their own transportation and proliferation of RVs on other streets.
- Mayor Gauthier thanked staff for all the hard work on the POC and RVs with safe parking; spoke on the increasing airport noise and wishing to add a complaint to the Palo Alto airport because of loud noise from planes flying during early hours in the morning, weekends; she asked Palo Alto airport to be better neighbors and requested a telephone number be posted on webpage in order for our residents to file complaints against Palo Alto airport.

10. COMMUNITY FORUM

There were 8 speakers. Some of the topics mentioned were water being cut off; taking photos of vehicles without permission by PD; issues with TV not eligible with Safe Parking for RV’s and misunderstanding with the process; trash dumped by RVs and unsafe for young residents; announcements from Library and summer reading program with prizes; advisory bodies to City Council; asks for medical marijuana to be added to council agenda; monitoring the old “whiskey gulch” keeping it safe; and allowing people to make a living.

11. INFORMATIONAL REPORT – NONE

12. SPECIAL PRESENTATION – NONE

13. PUBLIC HEARINGS

A. Fiscal Year 2019-20 Proposed Operating Budget

(Jaime M. Fontes, City Manager; Brenda Olwin, Finance Director)

Recommendation

Receive budget overview information, staff presentations, community input, and provide staff direction regarding the proposed Fiscal Year 2019-20 budget.

Jaime M. Fontes, City Manager gave a summary of all the accomplishments for FY 18-19 and Brenda Olwin, Finance Director, opened discussion on the budget hearing #1 and presented the report to City Council and answered their questions.

There was 1 comment from the public.

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

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

B. Appeal of the Interim City Manager's Hearing Decision in City Code Enforcement Case #2017-0021.

(Sean Charpentier, Assistant City Manager, Jose L. Martinez, Interim Chief Building Official, Lance Bayer, Special Counsel)

Recommendation:

Adopt a resolution denying Appellant Melvin Curtaccio's appeal of the Interim City Manager's Hearing Decision in City Code Enforcement Case #2017-0021.

City Attorney introduced the item to Council and Council will consider the appeal of the decision affording the property owner the right to appeal that decision; whether the facts support the nuisance and meet legal definition of Ch. 8.08 and staff recommends denial. CBO Miguell Collazo and Mike special council Lance Bayer.

Procedural issues: Council will conduct a deNovo hearing (start all over), receive new evidence and take a decision on the whole new record; procedural steps: Council needs to open the Council hearing and appellant and staff will be given 10 mins each to provide information on either to Grant or Deny appeal.

Action: Moved by Mayor Gauthier and seconded by Council member Moody opened public hearing. 5-0-0-0

Lance Bayer, Special Counsel, introduced Mike Collazo and presented a report to City Council and answered questions. Chief Building Official, Jose Martinez

presented photographs taken on 5/20/19 of current status of stored inoperable vehicles ranging from buses, trucks and cars.

Michael Curtaccio made a presentation and introduced 4 photos taken earlier this date; asked for an extension to clean area. Mr. Curtaccio stated he was sick with shingles and asked for extension to clear property. Photographs were handed to City Clerk, reviewed by City Attorney and handed to City Council; he then asked for 25 days to finish clearing area.

Council members asked question to staff and Lance Bayer on the abatement efforts undertaken so far by Curtaccios; additional items that need abatement. Code Enforcement, Collazzo, stated some RVs were removed from property (2003-now) and that less than 10% have been cleared.

Special Counsel, Lance Bayer, reminds Council to either deny or grant the appeal.

There were 4 comments from the public.

Action: Upon motion by Council member Moody and seconded by Mayor Gauthier to close the Public Hearing.

Action: Upon motion by Mayor Gauthier and seconded by Council member Abrica, to deny the appeal and allow time for property owner to clean up the property, the City Council **voted 5-0-0-0**.

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

The City Council approved Resolution No. 5023

14. POLICY AND ACTION

Mayor Gauthier reminded Council on decision taken to Move Item 14C, (presentation of SFCJPA) as the first item on Policy & Action.

AC. Presentation on the Draft Environmental Impact Report of the San Francisquito Creek Upstream of Highway 101 Project
(Sean Charpentier, Assistant City Manager)

Recommendation

Receive presentation on Draft Environmental Impact Report of the San Francisquito Creek Upstream of Highway 101 Project.

Sean Charpentier introduced Len Matterman, Executive Director and Kevin Murray from the SFCJPA who presented the report to City Council and answered their questions.

There were no comments from the public.

Action: Upon motion by Vice-Mayor Wallace-Jones and seconded by Council member Romero, the City Council agreed to extend meeting to 12:30 a.m., the City Council **voted 5-0-0-0.**

A.B. Award a Contract to CSG Consultants, Inc. for Engineering Design Services for the Addison Street Safe Route to School and Green Street Improvement Project

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

Recommendation

Adopt a resolution authorizing the City Manager to:

- 1) Enter into a contract with CSG Consultants, Inc. in the amount of \$170,072 for engineering design, public outreach, and construction support services, establish a \$17,007 (10%) contract contingency for a total project budget of \$187,079 for the Addison Street Safe Route to School and Green Street Improvement Project;
- 2) Execute any future change orders within the established contingency; and
- 3) Appropriate \$187,079 from the General Fund reserve to the CIP ST-22 Addison Street Safe Route to School and Green Street Improvement Project.

Sean Charpentier, Assistant City Manager, introduced the item and Shari Carlet, Senior Engineer, presented the presentation to City Council and answered questions.

There were no comments from the public.

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

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

The City Council approved Resolution No. 5124

CB. Proposed Update on the Transportation Demand Management Policy for the City of East Palo Alto

(Sean Charpentier, Assistant City Manager, Kamal Fallaha, Public Works Director, Susan Barnes, FUSE Fellow and Mobility Project Manager)

Recommendation

Receive report and presentation from Staff and transportation consultant Doug Kim on the Draft Transportation Demand Management (TDM) Plan for the City, and provide direction on the proposed TDM Ordinance.

Susan Barnes, FUSE Fellow and Mobility Project Manager provided a presentation to the Council on the Mobility Study and answered questions. Doug Kim presented the Draft Transportation Demand Management report to City Council and answered questions.

There was 1 comment from the public (Mila Zelkha).

Council members provided comments and gave direction to Staff on this Item.

D. Adoption of a Community Outreach Requirements Policy in the Planning Review Process for Land Use Development

(Sean Charpentier, Assistant City Manager, Patrick Heisinger, Community and Development Director, Guido Persicone, Planning Manager, Jia Liu, Assistant Planner)

Recommendation

Adopt a Resolution to approve a Citywide Community Outreach Policy for Planning Projects.

Sean Charpentier, Assistant City Manager, introduced this item to City Council; Jia Liu, Assistant Planner, presented the power point presentation to the Council and answered their questions.

There were no comments from the public.

Council member Romero did not understand the proposed policy. Council member Abrica asked for a calendar of activity to be shared with Council. Vice Mayor, Wallace-Jones, asked that current technologies should be used to make it accessible to 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

The City Council approved Resolution No. 5125

15. ADJOURNMENT

The City Council regular meeting adjourned at 12:15 a.m.

Respectfully submitted by Maria Buell, City Clerk