



City of East Palo Alto MINUTES

**CITY COUNCIL SPECIAL MEETING - 6:30 P.M.
CITY COUNCIL REGULAR MEETING - 7:30 P.M.
TUESDAY, JANUARY 17, 2017
EPA Government Center
2415 University Ave, First Floor - City Council Chamber
East Palo Alto, CA 94303**

**MAYOR:
LARRY J. MOODY**

**VICE MAYOR:
RUBEN ABRICA**

**COUNCILMEMBERS:
LISA GAUTHIER, CARLOS ROMERO, DONNA RUTHERFORD**

1. CALL TO ORDER AND ROLL CALL

Mayor Moody called the meeting to order at 6:33 p.m.

PRESENT: Moody, Gauthier, Romero, Rutherford

ABSENT: Abrica

2. APPROVAL OF THE AGENDA

(Government Code section 54957.7(a))

Action: Upon motion by Councilmember Gauthier and seconded by Councilmember Rutherford, the City Council **voted 4-0, with Vice Mayor Abrica absent**, to approve the Agenda.

AYES: Gauthier, Rutherford, Moody, Romero

ABSENT: Abrica

3. PUBLIC COMMENT ON CLOSED SESSION ITEM

There were no comments made by the public.

4. ADJOURNMENT INTO CLOSED SESSION

The City Council adjourned into Closed Session at 6:35 p.m.

5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9 (d)(1))

NAME OF CASE:

City of East Palo Alto v. City of Menlo Park, and City Council of Menlo Park
San Mateo County Superior Court
Case Number: 16CIV03062

Councilmember Abrica arrived at 6:45 p.m.

6. RECONVENE INTO OPEN SESSION

The City Council reconvened into Open Session at 7:56 p.m.

7. REPORT OUT OF CLOSED SESSION

Per City Attorney Rafael E. Alvarado Jr., the City Council conferred with legal counsel and no reportable action was taken.

8. ADJOURNMENT

The City Council special meeting adjourned at 7:56 p.m.

CITY COUNCIL REGULAR MEETING 7:30 P.M.

1. CALL TO ORDER AND ROLL CALL

The Mayor called the meeting to order at 7:56 p.m.

All City Council members were present.

2. APPROVAL OF THE AGENDA

(Government Code section 54957.7(a))

Action: Upon motion by Councilmember Gauthier and seconded by Councilmember Rutherford, the City Council **unanimously voted 5-0** to approve the Agenda.

AYES: Gauthier, Rutherford, Moody, Abrica, Romero

NOES: None

3. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

There were two speakers that commented on Agenda Item #4A.

4. APPROVAL OF CONSENT CALENDAR

Per the request of Councilmember Rutherford, Agenda Item #4A was pulled for recognition purposes after approval by the City Council.

Action: Upon motion by Councilmember Gauthier and seconded by Vice Mayor Abrica, the City Council **unanimously voted 5-0** to approve the Consent Calendar.

AYES: Gauthier, Abrica, Moody, Romero, Rutherford

NOES: None

- B. Adopt a resolution to comply with Assembly Bill 2135, Surplus Land Act for the second round of the One Bay Area Grant Program (OBAG 2) in order for the City to receive \$398,000 from OBAG 2 in funding for the Citywide Annual Street Resurfacing Project, FY 2016-17, Federal Surface Transportation Program (STP)**
(Kamal Fallaha, Public Works Director)

The City Council adopted Resolution No. 4809.

- C. By motion, waive the second reading of and adopt an ordinance:**
- 1) Amending Chapter 22.5 of the Zoning Ordinance; and**
 - 2) Finding that the adoption by the City Council of the amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines**
(Yeni Magaña, Assistant Planner, Guido Persicone, Planning and Housing Manager, and Sean Charpentier, Assistant City Manager)

The City Council approved Motion Order #17-001 and Ordinance #407.

- D. 1) Adopt a resolution authorizing the City Manager to enter into two agreements with the California State Board of Equalization for implementation of a local Transactions and Use Tax (Measure P); and,**
- 2) Adopt a resolution authorizing the examination of Transactions (Sales) and Use Tax records designating City representatives or designees authorized to examine confidential transactions and use tax records, including the governmental purposes related to the examination thereof.**
(Brenda Olwin, Finance Department, and Terrie Gillen, Deputy City Clerk)

The City Council adopted Resolution No. 4810 and Resolution No 4811.

- E. Adopt a resolution appointing Councilmember Donna Rutherford to the San Mateo County Mosquito & Vector Control District Board to a two-year term ending on December 31, 2018**
(Terrie Gillen, Deputy City Clerk)

The City Council adopted Resolution No. 4812.

- F. By motion, approve the Special and Regular City Council meeting minutes of December 20, 2016**
(Terrie Gillen, Deputy City Clerk)

The City Council approved Motion Order #17-002.

ITEM PULLED FROM CONSENT CALENDAR

- A. By motion, approve two proclamations:**
- 1) Recognizing Annie Folger, Executive Director of the Midpeninsula Community Media Center, for her dedicated years serving the residents of East Palo Alto, and**
 - 2) Commemorating the life of Mary Jane Hamann and her service educating multicultural communities**
(Terrie Gillen, Deputy City Clerk)

Councilmember Gauthier read the proclamation for and presented it to Annie Folger, which Ms. Folger accepted, and the City Council thanked her for her service.

Councilmember Romero read the proclamation for Mary Jane Hamann, which was accepted by Dr. Thomasyne Lightfoote Wilson.

5. SPECIAL PRESENTATIONS *(Government Code §54954.3(b))*

- A. Dr. Clayborne Carson, Director of the Martin Luther King Jr. Research and Education Institute, to receive proclamation for his lifetime work and study of the Rev. Dr. Martin Luther King Jr's Legacy**

Mayor Moody read the proclamation for and presented to Dr. Carson the proclamation. Dr. Carson thanked the City Council and shared his thoughts about Dr. King's legacy.

6. **POLICY AND ACTION REPORTS**

A. Approval of the FY 2016-17 Grant Agreement with Senior Center, Inc. in an amount not-to-exceed \$73,000

(Emily D.R. Pharr, Community Programs Manager)

Recommendation

By resolution, allocate an amount not-to-exceed \$73,000 of Transient Occupancy Tax (TOT) grant funding, and authorize the City Manager to execute a grant agreement with East Palo Alto Senior Center, Inc. for capacity building, site improvements, and to defray the cost of eligible services.

The City Council, staff, and members of the Senior Center, Inc. Board discussed at length the grant agreement, the need for performance measures, and the City's role.

ACTION: Initially, upon motion by Councilmember Romero and seconded by Vice Mayor Abrica, they recommended to increase the grant to \$83,000, instead of \$73,000.

AYES: Romero, Abrica

NOES: Moody, Gauthier, Rutherford

There were six (6) speakers: four (4) from the Senior Center, Inc. Board and two (2) from the public.

With further discussion, the final City Council action was as follows:

ACTION: Upon motion by Councilmember Rutherford and seconded by Councilmember Gauthier, the City Council **voted 3-2** to adopt the initial recommendation by Staff.

AYES: Rutherford, Gauthier, Moody

NOES: Abrica, Romero

The City Council adopted Resolution No. 4813.

B. Selection of an urban planning firm for CEQA Review of four major projects (2020 Bay Road, Primary School, Sobrato Phase II, EPA Arts and Music Center) and approval of a qualified on-call planning consultant list

(Carlos Martinez, City Manager)

Recommendation

Authorize the City Manager to:

- 1) Execute a professional services agreement in a form to be approved by the City Attorney, with David J. Powers in an amount not-to-exceed \$829,810 for the current planning services for four projects (2020 Bay Road - \$278,726, Primary School - \$199,066, Sobrato Phase II - \$212,209, EPA Center Arts - \$139,809); establish a project contingency budget of 15% of \$124,472 for a total project budget of \$954,282; and authorize the City Manager to execute amendments not-to-exceed the appropriated project contingency of \$124,472; and
- 2) Establish a qualified list of firms for on-call urban planning services.

Guido Persicone, Planning and Housing Manager, provided the City Council a presentation on why the importance of the recommendation. Thereafter, the Staff and the City Council conversed on how and why David J. Powers was selected, job creation, and water.

There were two members of the public that commented on this item.

ACTION: Upon motion by Councilmember Rutherford and seconded by Councilmember Gauthier, the City Council **voted 3-2** to adopt the initial recommendation by Staff.

AYES: Rutherford, Gauthier, Moody, Abrica, Romero
NOES: None

The City Council adopted Resolution No. 4814.

7. ORAL REPORTS

A. Report Out of Special Meeting Closed Session

There was no reportable action taken by the City Council.

B. Staff Reports

- City Manager Carlos Martínez and Assistant City Manager Sean Charpentier spoke about the success of preventing the creek water from overflowing.

C. City Council Reports

- **Councilmember Gauthier** reported her attendance at a C/CAG meeting regarding single occupancy vehicles fee and gas tax, and announced the Women's March on Saturday, January 21st at 9 a.m. in Oakland.
- **Mayor Moody** announced the City Council's Annual Retreat also on January 21st at 9 a.m.

8. COMMUNITY FORUM

There were 10 members of the public that spoke during Community Forum such as a possible veterans' program, speed bumps, and flood protection.

9. INFORMATIONAL REPORT

There was no informational report.

10. PUBLIC HEARINGS

ACTION: Upon motion by Councilmember Rutherford and seconded by Councilmember Gauthier, the City Council **voted 5-0** to open the Public Hearing.

AYES: Rutherford, Gauthier, Moody, Abrica, Romero

NOES: None

A. Extension of Interim Urgency Ordinance Prohibiting Nonmedical Marijuana within the City of East Palo Alto

(Sean Charpentier, Assistant City Manager, and Guido Persicone, Planning and Housing Manager)

Recommendation

Adopt an ordinance extending the duration of the interim urgency ordinance regulating indoor cultivation of marijuana and prohibiting the manufacture, processing, laboratory testing, labeling, storing, sale, retain distribution and outdoor cultivation of marijuana within the City of East Palo Alto for a period of 10 months and 15 days.

There was a very brief discussion between the City Council and Staff. There were no comments from the public.

ACTION: Upon motion by Councilmember Rutherford and seconded by Councilmember Gauthier, the City Council **voted 5-0** to close the Public Hearing.

AYES: Rutherford, Gauthier, Moody, Abrica, Romero

NOES: None

ACTION: Upon motion by Councilmember Rutherford and seconded by Councilmember Gauthier, the City Council **voted 5-0** to adopt the ordinance.

AYES: Rutherford, Gauthier, Moody, Abrica, Romero

NOES: None

The City Council adopted Ordinance No. 408.

B. Update to 2015 Housing Element

(Daniel Berumen Assistant Planner, and Assistant City Manager, Guido Persicone, Planning and Housing Manager)

Recommendation

Adopt a resolution:

- 1) Accepting the Update to the 2015 Housing Element; and
- 2) Directing staff to submit the 2015 Housing Element update to the Governor's Office of Planning and Research and with the California Department of Housing and Community Development (State HCD); and
- 3) Finding that the acceptance and submittal of the 2015 Housing Element Update is exempt from the California Environmental Quality Act.

ACTION: Upon motion by Councilmember Rutherford and seconded by Councilmember Gauthier, the City Council **voted 5-0** to open the Public Hearing.

AYES: Rutherford, Gauthier, Moody, Abrica, Romero

NOES: None

Assistant Planner Berumen provided an overview of the Housing Element and stated that the consultant, Josh Abrahms, was available for any questions the City Council may have.

There was no comment made by the public for this item.

ACTION: Upon motion by Councilmember Rutherford and seconded by Councilmember Gauthier, the City Council **voted 5-0** to close the Public Hearing.

AYES: Rutherford, Gauthier, Moody, Abrica, Romero

NOES: None

The City Council and Staff went through particular parts of the Housing Element to add more wording to the Housing Elements to make the language clearer to the reader.

ACTION: Upon motion by Councilmember Rutherford and seconded by Councilmember Gauthier, the City Council **unanimously voted 5-0** to approve the recommendation.

AYES: Rutherford, Gauthier, Moody, Abrica, Romero


NOES: None

The City Council adopted Resolution No. 4815.

11. ADJOURNMENT

The City Council adjourned in memory of Brother Jay and the daughter of Mr. Thurman Smith.

Minutes Recorded, Prepared, and Respectfully Submitted By:



Terrie Gillen, CMC
Deputy City Clerk

Minutes were approved at the regular City Council meeting on February 21, 2017.