



City of East Palo Alto MINUTES

TUESDAY, JULY 2, 2019

CITY COUNCIL REGULAR MEETING

1. CALL TO ORDER AND ROLL CALL

Vice Mayor Wallace-Jones called the meeting to order at 6:36 p.m.

PRESENT: Wallace-Jones, Romero, Moody

ABSENT: Abrica, Gauthier

2. APPROVAL OF THE AGENDA

(Government Code Section 54957.7(a))

Vice Mayor requested that Items 14A and 14E be continued to the July 16, 2019 meeting.

Action: Upon motion by Vice Mayor, Wallace-Jones and seconded by Council member Moody, the City Council **voted 3-0-2-0** to approve the Agenda and to continue Items #14A and #14E to the July 16, 2019 meeting.

AYES: Wallace-Jones, Moody, Romero

NOES: None

ABSENT: Gauthier, Abrica

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 6:39 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, Charles Sakai, Brenda Olwin and Ana Torres (observer only)

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 7:38 p.m.

6. REPORT OUT OF CLOSED SESSION

Rafael E. Alvarado, Jr., City Attorney reported that City Council conducted discussions with bargaining units negotiators, but took no reportable action on Item 4A.

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.

There was one comment from public on Item 8F.

Council member Moody requested Item 8A be pulled from Consent Agenda for discussion.

Council member Romero requested Item 8F be pulled from Consent Agenda for discussion.

Action: Upon motion by Council member Romero and seconded by Council member Moody, the City Council voted **3-0-2** to approve the Consent Calendar minus Items 8A and 8F.

AYES: Romero, Moody, Wallace-Jones

NOES: None

ABSENT: Gauthier. Abrica

ABSTAIN: None

B. By motion, approve the City Council regular meeting minutes of June 18, 2019 meeting.

(María Buell, City Clerk)

Vice Mayor – model for Minutes for a City Minutes? Baseline on how to produce our minutes. Romero asked that it be agendaized for future discussion of Council.

Action: Upon motion by Council member Moody and seconded by Council member Romero, the City Council voted 3-0-2-0 to agendaize this item for future discussion.

- C. By resolution, authorize investment and establish authorized signers for the investment of monies in the San Mateo County Investment Pool.**
(Brenda Olwin, Finance Director)

The City Council approved Resolution No. 5137

- D. By motion, authorize the Finance Director to issue a Request for Proposals (RFP) for Enterprise Resource Planning (ERP) Systems Replacement Consulting Services.**
(Brenda Olwin, Finance Director, Greg Henry, Senior Finance Project Manager)

- E. Adopt a Resolution authorizing the City Manager to enter into the First Amendment to the contract with Tou Bar Equipment Rental in an amount not to exceed \$30,000, for a new total not-to-exceed contract amount of \$60,000 for the placement of safety barriers.**
(Sean Charpentier, Assistant City Manager, Patrick Heisinger, Community and Economic Development Director, Michelle Daher, Management Analyst)

The City Council approved Resolution No. 5138

- G. Adopt a Resolution authorizing the City Manager to execute an extension of the contract with Lance Bayer, Esq., in a form approved by the City Attorney, for special legal services in an amount not to exceed \$27,000, for FY 2019-2020.**
(Rafael E. Alvarado, Jr., City Attorney)

The City Council approved Resolution No. 5140

- H. By motion ratify the City Manager's signature on the Multi-Jurisdictional Hazard Mitigation Plan Commitment Letter.**
(Sean Charpentier, Assistant City Manager, Daniel Berumen, Senior Planner, Elizabeth Lam, Community Service Officer)

- I. By motion, ratify the East Palo Alto comment letter on the San Francisquito Creek JPA Upstream Draft Environmental Impact Report.**
(Sean Charpentier, Assistant City Manager)

- J. Adopt a resolution authorizing the City Manager to enter into an Agreement, in a form to be approved by the City Attorney, for the provision of catered meals and supplies for the Senior Congregate Nutrition Program with Peninsula Volunteers, Inc. for an annual amount not to exceed \$39,900.**

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

The City Council approved Resolution No. 5141

Vice Mayor recognized the work of Kamal Fallaha on his 12th year anniversary of work with City of East Palo Alto.

ITEMS PULLED FOR FURTHER CONSIDERATION

A. By motion, approve a Proclamation to Recognize Larry C. Tripplett for 40+ Years of Entrepreneurial Work and Commitment to Service for his Community

(María Buell, City Clerk)

Council member Moody stated this Proclamation honors Larry Tripplett for the many years of entrepreneurial work and read the summary of his accomplishments.

Action: Upon motion by Council member Romero and seconded by Council member Moody, the City **Council voted 3-0-2** to approve the Consent Calendar.

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

F. Adopt a resolution that:

- 1. Designates as surplus the seven Police Department vehicles listed in Table 1 (Items #1-#7), and**
- 2. Authorizes the City Manager to donate seven surplus vehicles to the Menlo Park Fire Protection District for training purposes.**

(Albert Pardini, Chief of Police)

This item was pulled by Council member Romero. Chief Pardini provided a brief report to the Council and answered questions.

Action: Upon motion by Council member Romero and seconded by Council member Moody, the City **Council voted 3-0-2** to approve the Consent Calendar.

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

The City Council approved Resolution No. 5139

Vice Mayor asked for a brief moment to recognize the work Mr. Fallaha has done for City in the last 12 years. A small token of appreciation was provided to Mr. Fallaha and Council took photos.

9. ORAL REPORTS

A. Staff Reports

- Chief of Police, Albert Pardini, reminded residents on 4th of July and to not light fireworks in City and to stay safe. For Emergencies call 911 and non-emergencies calls, 650 321-1112, or tip line 499-4792 which goes to Watch commander. He added that gun fire is also illegal. He reported that Peter Kahn is a new officer in Police Department; and shared with Council the “Zip code economies” - a case study available on a podcast on 7/9 and 7/16 with East Palo Alto residents being interviewed.
- Jaime M. Fontes, City Manager, stated that Council member Moody did an outstanding job representing East Palo Alto in San Jose and was quoted in processes of approvals. Mr. Fontes added that temporary cameras have been placed on the POC to ensure safety of residents.

B. City Council Reports

- Council member Moody reported attending the EPACanDo luncheon celebrating Mr. Jones work. This annual fundraiser was held at Four Seasons in remembrance of Dr. Faye-Knox. The faith leaders of East Palo Alto had a health seminar on various serious health issues like prostate cancer. Also a local resident raised an issue of City having its own Zip Code and requested the item be agendaized for future discussion. He wished everyone a safe Fourth of July celebration and be cognizant of noise / hazards fireworks create.
- Council member Romero had no report.
- Vice Mayor Wallace-Jones reported she wants to revisit the request from Mr. Moody. She appreciated Michelle Daher’s work on the RV parking and clean up crews and the amount of work it takes to manage. She asked community to keep a safe and clean area. She added all council members present tonight attended the CCAG meeting in San Carlos; and they received a request to submit a letter to the SFO airport on the change to noise monitors replacement plan replacing old news in the same location. She added the flight paths have changed and those monitors are not very effective and asked to send in letters. The topic of affordable housing was presented by City of San Carlos and that East Palo Alto has demonstrated its leadership in providing affordable housing. She was in agreement with Chief of Police’s request to keep the celebration it safe. She wants a community calendar that reflects non-city hosted meetings. Residents want all events on one calendar and to not have multiple events scheduled on it.

10. COMMUNITY FORUM

There were 2 comments from public. The topics mentioned were weed abatement and small business creation.

11. INFORMATIONAL REPORT - NONE

12. SPECIAL PRESENTATION (Max 10 mins)

A. Ticket Payment Installment Program by Phaedra Ellis-Lamkins, CEO of Promise Pay

A presentation was given by Ms. Ellis Lamkins to City Council on Promise Pay and answered Council questions.

Vice Mayor asked this item be agendized as a Policy & Action item for future discussion.

13. PUBLIC HEARINGS

A. Public Hearing on Proposed Increases to Water Service Rates on July 2, 2019 and each July 1st thereafter through July 1, 2023 and Implementing Automatic Wholesale Water Cost Pass-Through Adjustments, if any, through June 30, 2024

(Brenda Olwin, Finance Director, Greg Henry, Financial Analyst)

Recommendation

That the City Council:

1. Conduct a Public Hearing concerning the proposed increases to water service rates; and
2. Adopt a Resolution increasing water service rates on July 2, 2019, and thereafter each July 1st through July 1, 2023, as set forth in the Resolution included as Attachment 1 to this staff report, for all water service customers within the City of East Palo Alto water system.

Vice Mayor stated that this item requires a majority vote and due to only having 3 members present, therefore she asked fellow Council members to continue this Item until the next City Council meeting.

Action: Upon motion by Council member Romero and seconded by Council member Moody, the City Council **voted 3-0-2-0** to continue this item to July 16, 2019 regular meeting.

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

B. Actions Related to Potential Reduction in Various Impact Fees for Accessory Dwelling Units (continued from June 18, 2019 meeting)

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

Recommendation

1. Waive the first reading and introduce an ordinance amending Chapter 13.28 of the East Palo Alto Municipal Code titled “Development Impact Fees” to add a definition of “Gross Square Footage.”
2. Adopt a Resolution that exempts Accessory Dwelling Units equal to or smaller than 799 square feet from paying the following impact fees: parks and trails, public facilities, storm drainage, and transportation infrastructure improvements.

Patrick Heisinger, Community Development Director, made a presentation to Council and answered their questions.

Action: Upon motion by Council member Moody and seconded by Council member, Romero, the City Council **voted 3-0-2-0** to open the Public Hearing.

Sean Charpentier, Assistant City Manager stated this item might not be ready until first meeting of September. City Attorney stated the Ordinance will go into effect immediately and adding this item on September agenda.

Action: Upon motion by Council member Moody and seconded by Council member, Romero, the City Council **voted 3-0-2-0** to continue this item to a September 3, 2019 regular council meeting starting at 6:30 p.m.

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

14. POLICY & ACTION

By consensus of Council, Item #14A was moved to the 7/16/19 regular meeting.

A. East Palo Alto General Plan

(Sean Charpentier, Assistant City Manager)

Recommendation

Discuss topic and provide direction to staff.

B. Proposed Process Improvements and Approval of \$5.95 Million in Pass Through Master Consultant Contracts to Support the City with Processing Development Applications (continued from June 18, 2019 meeting)

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

Recommendation

1. Accept the Report on proposed process improvements to the City’s review of development applications; and,
2. Adopt a Resolution authorizing the City Manager to:
 - a. Execute a total of \$5,950,000 in Master Consulting Contracts for professional services with the recommended consultants by service category and contract limits listed in Exhibit A to this Resolution and waive the formal bid procedures pursuant to East Palo Alto Municipal Code section 2.84.070(D) for said contracts;
 - b. Delegate authority to the City Manager, until June 30, 2022, to utilize Developer Reimbursement Agreements, and Master Fee Reimbursement Agreements, in a form approved by the City Attorney, to establish terms of reimbursement for professional services and other allowable costs incurred related to development applications; and
 - c. To issue a Request for Qualifications (RFQ) to identify up to two consultants to help the City with building plan review services.

Patrick Heisinger, Community Development Director, gave a presentation and answered Council’s questions.

There was 1 comment from the public requesting to extend this item to next City Council meeting in July 16, 2019.

Action: Upon motion by Council member Romero and seconded by council member Moody, the City Council voted 3-0-2-0 to approve this item.

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

The City Council approved Resolution No. 5142

C. Adopt a Statement of Investment Policy

(Brenda Olwin, Finance Director)

Recommendation

Adopt a **resolution** adopting a Statement of Investment Policy that supersedes the Investment Policy adopted on June 4, 2014.

Brenda Olwin, Finance Director gave a presentation to the Council and answered questions.

There were no comments from the public.

Action: Upon motion by Council member Romero and seconded by Council member Moody, the City **Council voted 3-0-2-0** to approve this item.

AYES: Romero, Moody, Wallace-Jones

NOES: None

ABSENT: Abrica, Gauthier

ABSTAIN: None

The City Council approved Resolution No. 5143

D. 100% Design of the Bay Road Phase II and III Improvement Project

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

Recommendation

Adopt a Resolution approving the final Plans, Specifications, and Estimates (PS&E) of the Bay Road Improvements Project, Phase II and Phase III; authorizing the City Manager to make minor amendments to the PS&E if requested by the US Economic Development Administration; and authorizing the City Manager to advertise the project to solicit bids for the construction phase.

Kamal Fallaha, Public Works Director and Humza Javed, City Engineer, gave a presentation and answered Council's questions.

Vice Mayor Wallace-Jones asked that this project be in tandem with the Transportation Demand Management.

There were no comments from the public.

Action: Upon motion by Council member Moody and seconded by Council member Romero, the City **Council voted 3-0-2-0** to approve this item.

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

The City Council approved Resolution No. 5144

By consensus of Council, Item #14E was moved to the 7/16/19 regular meeting.

E. 2019/2010 Strategic Priorities Update

(Sean Charpentier, Assistant City Manager)

Recommendation

Review Draft 2019/2020 Strategic Priorities and provide direction to staff.

15. ADJOURNMENT

The City Council regular meeting adjourned at 10:39 p.m.

Respectfully submitted, Maria Buell, City Clerk