



# City of East Palo Alto MINUTES

**TUESDAY, JULY 16, 2019**

## **CITY COUNCIL REGULAR MEETING**

### **1. CALL TO ORDER AND ROLL CALL**

Vice Mayor Wallace-Jones called the meeting to order at 6:37 p.m.

**PRESENT:** Wallace-Jones, Romero, Abrica

**ABSENT:** Gauthier, Moody

### **2. APPROVAL OF THE AGENDA**

*(Government Code Section 54957.7(a))*

Vice Mayor reported Mayor Gauthier is absent due to a family emergency. She requested that Items #12A, #12B be moved to July 30<sup>th</sup> Special City Council meeting so as to allow full participation of the Council. In addition, she requested moving Item #14A to a new 13#A position.

**Action:** Upon motion by Council member Abrica and seconded by Council member Romero, the City Council **voted 3-0-2-0-** to approve the Agenda with the changes requested by Vice Mayor.

**AYES:** Abrica, Romero, Wallace-Jones

**NOES:** None

**ABSENT:** Gauthier, 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 6:39 p.m.

#### **A. CONFERENCE WITH LABOR NEGOTIATORS**

*(Government Code section 54957.6)*

**Agency Designated Representative(s):** Jaime M. Fontes, City Manager, Rafael E. Alvarado Jr., City Attorney, Brenda Olwin, Finance Director, Marie

McKenzie, Administrative Services Director, Irene Camarena, Human Resources Manager, and Katy Kaneko, Koff & Associates.

**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 7:36 p.m.

**6. REPORT OUT OF CLOSED SESSION**

City Attorney, Rafael E. Alvarado, Jr., reported that City Council conducted discussions with the bargaining units negotiators, Council gave Staff direction but took no reportable action.

**7. PUBLIC COMMENT ON CONSENT CALENDAR ITEMS**

There were 2 comments from the public on Items 8A and 8E.

**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 requested Item #8A be pulled from Consent Calendar and wait until Council member Moody’s arrival and reach a quorum and vote on this item. Vice Mayor stated she needs to recuse herself from this Item. City Attorney agreed with the recommendation.

**Action:** Upon motion by Council member Abrica and seconded by Council member Romero, the City Council voted 4-0-1-0 to approve the Consent Calendar minus Items 8A.

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

**NOES:** None

**ABSENT:** Gauthier

**ABSTAIN:** None

**B. By motion, approve the City Council regular meeting minutes of July 2, 2019, regular meeting.**

*(María Buell, City Clerk)*

Minutes were approved by motion

- C. Adopt a resolution authorizing the City Manager to enter into a five-year agreement, in a form approved by the City Attorney, with ShotSpotter, Incorporated, including adding gunfire detection coverage to the West side of the City, in an amount not to exceed \$320,025 and waive 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. 5145**

- D. Adopt a resolution calling for a legislative recess during the entire month of August 2019.  
(María Buell, City Clerk)**

**The City Council approved Resolution No. 5146**

- E. Adopt a resolution authorizing the City Manager to:**
- 1. Execute an amendment to the Hexagon Transportation Consultants Inc., contract in a form approved by the City Attorney, for an amount not to exceed \$60,000 to prepare a Vehicle Miles Traveled (VMT) Policy and additional mobile study activities;**
  - 2. Establish an overall project budget of \$239,850; and,**
  - 3. Extend the term of the contract to June of 2021.**
- (Sean Charpentier, Assistant City Manager, Patrick Heisinger, Community Development Director; Guido Persicone, Planning Manager)*

**The City Council approved Resolution No. 5147**

- F. Adopt a resolution to accept the RV Safe Parking Program, CIP FA-12; authorize the recordation of Notice of Completion with the County of San Mateo; and authorize the release of the contract retention balance for the project after recordation.  
(Sean Charpentier, Assistant City Manager; Kamal Fallaha, Director of Public Works; Humza Javed, City Engineer; Ahmad Mokhtar, Assistant Civil Engineer)**

**The City Council approved Resolution No. 5148**

- G. Adopt a resolution authorizing the City Manager to execute Amendment No. 2 to contract with Image Auto, in a form approved by the City Attorney, increasing the FY 2018/2019 contract amount from \$100,500 to \$116,500; and increase the contract amount for FY 2019/2020 from \$100,500 to \$120,500 for costs associated with the additional auto repair services for Community Development and Public Works Department Vehicles.  
(Sean Charpentier, Assistant City Manager; Kamal Fallaha, Director of Public Works; Jay Farr, Maintenance Division Manager)**

**The City Council approved Resolution No. 5149**

- H. Adopt a resolution designating Mayor Lisa Gauthier as the voting delegate and Vice Mayor Regina Wallace-Jones as the alternate for the League of California Cities 2019 Annual Conference Business Meeting held in Long Beach, California from October 16-18, 2019.**

*(María Buell, City Clerk)*

**The City Council approved Resolution No. 5150**

- I. Adopt a resolution authorizing the City Manager to execute an Outside Counsel Services Agreement, in a form acceptable to the City Attorney, with Sloan Sakai Yeung Wong, LLP (SSYW) in an amount not-to-exceed \$120,000 for the period of July 1, 2019 through June 30, 2020; and waive the formal bid procedures under section 2.84.070(D) of the Municipal Code due to the special circumstances that the City has ongoing work with SSYW and it would not be practical or productive to change firms.**

*(Marie McKenzie, Administrative Services Director)*

**The City Council approved Resolution No. 5151**

- J. Adopt a resolution recognizing the importance of the 2020 U.S. Census and supporting efforts to ensure a complete, fair, and accurate count of all residents in East Palo Alto and San Mateo County.**

*(Sean Charpentier, Assistant City Manager)*

**The City Council approved Resolution No. 5152**

- K. Adopt a resolution authorizing the City Manager to execute Amendment No. 1 to the AECOM Technical Services, Inc. contract in an amount not-to-exceed \$72,970 for a new total not-to-exceed contract amount of \$1,067,949, for design services related to the US 101/University Avenue Interchange Improvements Project.**

*(Sean Charpentier, Assistant City Manager; Patrick Heisinger, Community Development Director; Humza Javed, City Engineer)*

**The City Council approved Resolution No. 5153**

## **9. ORAL REPORTS**

### **A. Staff Reports**

- Chief of Police, Albert Pardini, reported his officers confiscated 45 lbs. of fireworks on 4<sup>th</sup> of July and 2 domestic violence incidents needing officer's assistance; he added the second podcast on Zipcode is available on the City's webpage; and in anticipation of ICE raids, his Department prepared a "Know Your Rights" pamphlet available in both English and Spanish.

- Marie McKenzie, Administrative Services Director reported on upcoming recreational activities to be held at several parks throughout the City. A Family Night on July 19<sup>th</sup> will have activities for the entire family and encouraged everyone to attend.
- Sean Charpentier, Assistant City Manager, announced a Public Works & Transportation Committee meeting on 7/18/19 at 7 PM to discuss the Mobility Study and issues of parking and 1-way streets.
- Jaime M. Fontes, City Manager commented on the 42 Silicon Valley coding program is an invaluable experience for learning coding and important for students in East Palo Alto to participate in this free scholarship endeavor.

## **B. City Council Reports**

- Council member Abrica reported attending a Beat meeting by Police Department; announced National Night Out on August 6<sup>th</sup> from 6-8 PM and asked Chief of Police to provide more info on this bonding event for community. Chief Pardini stated 10 sites selected throughout the City. Mr. Abrica announced a meeting on August 1<sup>st</sup>, at 6:30 p.m. in Community meeting room to discuss Cesar Chavez School and the rumors of a Name Change by the School District Board and community's concerns over this potential Name Change. He added that Cesar Chavez was present in 1993 when the School first opened and Cesar Chaves's family expressed concerns over the potential name change.
- Council member Romero had no report.
- Council member Moody attended along with Vice Mayor a site visit with 42 Silicon Valley – a coding program. He will attend the August 1<sup>st</sup> meeting announced by Council member Abrica; thanked the City Manager for activating City Staff for the creation of partnerships for recreational activities in City. He commented on the open space parcel at the end of Beech Street, a blighted area adjacent with MLK Park owned by County and stated City should express interest in owning and beautify the blighted area in Beech Street.
- Vice Mayor Wallace-Jones restated the changes made to the Agenda stated at beginning of council meeting. She thanked Chief of Police for the work done on 4<sup>th</sup> of July and asked for an Action Plan and respecting laws and the peace and quiet for all residents during this celebration. She appreciated the clearing of trash and debris of the RVs and the thanked the Staff for the activation of recreational programs; she announced the celebration of Childrens' Day and the date will be determined soon; and lastly, she requested recognition of the Municipal Council, those founders of City who pioneered the City's incorporation, through a formal Plaque with their names be placed on the council Chambers.

Vice Mayor recused herself from the Chambers and asked immediate past Mayor Abrica to Chair the meeting.

## **ITEM PULLED FOR FURTHER CONSIDERATION**

- A. By motion, waive the second reading and adopt an Ordinance to:**  
**a. Approve a zone change from Industrial Transition to Urban Residential for 1200 Weeks Street; and**  
**b. Approve a Zoning Text Amendment of the Four Corners Specific Plan. (The Primary School)**

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

Council member Abrica restated the reason for pulling the agenda item, the need to reach a quorum and vote on this Item.

**Action:** Upon motion by Council member Moody and seconded by Council member Romero, the City **Council voted 3-0-1-0-1** to approve the Item #8A.

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

**The City Council adopted Ordinance No. 424.**

### **10. COMMUNITY FORUM**

There were 11 comments from public. The topics mentioned were the fireworks of July 4<sup>th</sup>; 42 Silicon Valley, BMR process, remembering the Founders of the Incorporation Committee, EPA Blues Festival, vacant fields, parking of trucks that damage streets; and, unrefunded water connection fee.

### **11. INFORMATIONAL REPORT - NONE**

### **12. SPECIAL PRESENTATION**

**By consensus of the Council, these Items were moved to the July 30<sup>th</sup> Special meeting.**

- A. Retraining the Village** by Halley Crumb Founder and Chief Executive Officer  
**B. Sustainable Silicon Valley** by Jennifer Thompson, Sustainable Silicon Valley, Kenia Najjar, Youth United for Community Action (YUCA), Dalila Adofo, Green Action

### **13. PUBLIC HEARINGS**

**Item 13B was moved to 13A position.**

**13A. Newell Bridge Replacement Project DEIR Comment Letter**

*(Sean Charpentier, Assistant City Manager)*

**Recommendation**

Receive presentation, provide comments on the Newell Road Bridge Replacement Project, and authorize staff to prepare comments letter on the Draft Environmental Impact Report (DEIR) for the project.

Sean Charpentier, Assistant City Manager, gave a presentation and introduced Palo Alto’s Mayor, City Manager and Public Works Director and other staff in the audience.

Palo Alto Mayor, Eric Filseth, thanked City Council and introduced his staff. A presentation was given by Michelle Duramais, Sr Engineer and answered Council’s questions.

There were 3 comments from the public.

Council supported submittal of the letter included in the Staff report.

**B. A. Public Hearing on Proposed Increases to Water Service Rates on July 16, 2019 and each July 1<sup>st</sup> thereafter through July 1, 2023 and Implementing Automatic Wholesale Water Cost Pass-Through Adjustments, if any, through June 30, 2024 (continued from July 2, 2019 meeting)**

*(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 16, 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.

**Action:** Upon motion by Council member Moody and seconded by Council member Romero, the City Council voted 4-0-1-0 to open the Public Hearing.

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

**NOES:** None

**ABSENT:** Gauthier

**ABSTAIN:** None

**Action:** Upon motion by Council member Moody and seconded by Vice Mayor Wallace-Jones, the City Council voted 4-0-1-0 to close the Public Hearing.

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

**Action:** Upon motion by Council member Moody and seconded by Council member Abrica, the City Council **voted** 4-0-1-0.

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

**The City Council approved Resolution No. 5154**

**14. POLICY & ACTION**

BY CONSENSUS OF COUNCIL, ITEMS 14B AND 14C WERE MOVED TO THE JULY 30, 2019 SPECIAL MTG.

**B. East Palo Alto General Plan (continued from July 2, 2019 meeting)**  
*(Sean Charpentier, Assistant City Manager)*

**Recommendation**

Discuss topic and provide direction to staff.

**C. 2019/2010 Strategic Priorities Update (continued from July 2, 2019 meeting)**  
*(Sean Charpentier, Assistant City Manager)*

**Recommendation**

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

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**D. Updated Temporary Deferred Enforcement Program for the Oversized Vehicle Parking Restriction**

*(Sean Charpentier, Assistant City Manager, Patrick Heisinger, Community Development Director; Michelle Daher, Management Analyst)*

**Recommendation**

Adopt a resolution approving the Updated Temporary Deferred Enforcement Program for the Oversized Vehicle Parking Restrictions.



Sean Charpentier, Assistant City Manager, gave a presentation and answered Council's questions.

There was no comment from the public.

**Action:** Upon motion by Council member Romero and seconded by council member Moody, the City **Council voted 4-0-1-0** to approve this item.

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

**NOES:** None

**ABSENT:** Gauthier

**ABSTAIN:** None

### **The City Council Approved Resolution No. 5155**

#### **E. Housing Division Update and Direction on Affordable Housing Related Initiatives**

*(Sean Charpentier, Assistant City Manager; Patrick Heisinger, Community Development Director; Victor Ramirez, Rent Stabilization Program Administrator; Rachel Horst, Housing Project Manager)*

#### **Recommendation**

1. Receive staff's update and provide direction on the following affordable housing related initiatives:
  - a) Local Preference Working Group;
  - b) Inclusionary Housing Work Plan;
  - c) Contract between the City and EPACANDO for administration of the City's existing Below Market Rate (BMR) Program; and
  - d) The process of identifying and funding the next affordable housing development in the City.
2. By motion provide direction and authorize staff to issue a Call for Affordable Housing Projects and to issue an RFP for Anti-Displacement Services.
3. Adopt resolutions authorizing staff to submit:
  - a) A SB 2 Planning Grant Application to the State of California
  - b) An application to the County of San Mateo in response to their recent Request for Proposals (RFP) for Homeless Services.

Sean Charpentier, Assistant City Manager, gave a presentation and answered Council's questions.

There was 1 comment from the public.

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

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

**The City Council approved Resolutions No. 5156 and 5157**

**F. Cable PEG Fees and Mid-Peninsula Community Media Center**

*(Brenda Olwin, Finance Director, Gregory Henry, Senior Finance Project Manager)*

**Recommendation:**

Discuss and provide direction to City staff regarding the potential options being explored by parties to a Joint Exercise of Powers Agreement in relation to certain franchise operations, as follows:

1. Create a Joint Powers Authority between the cities of Palo Alto and Menlo Park, the Town of Atherton and portions of San Mateo and Santa Clara counties, to jointly acquire the Mid-Peninsula Community Media Center (“MidPen Media Center”) video production and training facility; or
2. For an indeterminate period, in concert with the parties to the existing Joint Exercise of Powers Agreement (JPA), withdraw PEG support fees for East Palo Alto PEG-qualified capital expenditures when suitable capital projects exist, and provide grant funds to MidPen Media Center of equal value for operational expenses.

Brenda Olwin, Finance Director, gave a presentation and answered Council’s questions.

There was no comment from the public

**15. ADJOURNMENT**

The City Council regular meeting adjourned at 12:44 a.m.

Respectfully submitted, Maria Buell, City Clerk