



# City of East Palo Alto MINUTES

**CITY COUNCIL REGULAR MEETING - 7:30 P.M.  
TUESDAY, FEBRUARY 16, 2016  
EPA Government Center  
2415 University Ave - First Floor - City Council Chamber**

**MAYOR:  
DONNA RUTHERFORD**

**VICE MAYOR:  
LARRY MOODY**

**COUNCILMEMBERS:  
RUBEN ABRICA, LISA GAUTHIER, CARLOS ROMERO**

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

The Mayor called the meeting to order at 7:31 p.m. All were present, except for Councilmember Abrica.

**PRESENT:** Rutherford, Moody, Gauthier, Romero  
**ABSENT:** Abrica

**2. APPROVAL OF THE AGENDA**

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

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

**3. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS**

There were no comments from the public regarding the Consent Calendar Items.

**4. APPROVAL OF CONSENT CALENDAR**

**Action:** Upon motion by Councilmember Romero and seconded by Councilmember Gauthier, the City Council **voted 4-0, with Councilmember Abrica absent**, to approve the Consent Calendar Items.

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

- A. Approve by motion a Proclamation supporting the “Safety for All” ballot initiative, and direct staff to send copies of the Proclamation to President Barack Obama, U.S. Senators Barbara Boxer and Dianne Feinstein, Congresswoman Jackie Speier, Governor Jerry Brown, Lieutenant Governor Gavin Newsom, California Senator, Jerry Hill, and California Assembly member Rich Gordon**  
*(Marc Hynes, Interim City Attorney)*

**City Council approved Motion Order #16-016.**

- B. By Motion, Approve Proclamation Honoring Former City Councilmember A. Peter Evans**  
*(Terrie Gillen, Deputy City Clerk)*

**City Council approved Motion Order #16-017.**

- C. By Motion, Approve Proclamation Recognizing Kiwoba CARES**  
*(Terrie Gillen, Deputy City Clerk)*

**City Council approved Motion Order #16-018.**

- D. By Motion, Adopt An Ordinance:**

- 1) Amending Chapter 9.32 Of The Municipal Code (Medical Marijuana Distribution Facilities And Section 6103 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**  
*(Sean Charpentier, Assistance City Manager, and Guido Persicone, Senior Planner)*

**City Council approved Motion Order #16-019 and Ordinance #395 .**

- E. By Motion, Accept The Completion Of The “Woodland Avenue Temporary Floodwall Project – Project No. CIP 2015/16-SP-02B,” Accept The Improvements, Authorize The Recordation Of A Notice Of Completion With The County Of San Mateo, And Release The Contract Retention Balance For The Project Thirty-Five Days After Recordation**

*(Sean Charpentier, Assistant City Manager, and Kamal Fallaha, Public Works Department/City Engineer)*

**City Council approved Motion Order #16-020.**

- F. Adopt A Resolution Authorizing The City Manager To Execute Amendment No. 4 To The Agreement With WRA Environmental Consultants, Adding \$26,600 To The Current Contract For A New Total Contract Amount Not To Exceed \$310,941, And For Environmental Monitoring Of The Runnymede Storm Drain Phase II & O’Conner Pump Station Outfall Repair Project**

*(Sean Charpentier, Assistant City Manager, Kamal Fallaha, Public Works Director/ City Engineer, and Maziar Bozorginia, Senior Engineer)*

**City Council approved Resolution #4700.**

- G. Adopt A Resolution Accepting The Pavement Management Technical Assistance Program (P-TAP) Round 17 Grant From The Metropolitan Transportation Commission (MTC) For A Total Maximum Amount Of \$15,000 Approving The Required 20% Local Match In The Amount Of \$3,000, And Authorizing The City Manager To Enter Into A Funding Agreement With MTC**

*(Sean Charpentier, Assistant City Manager, and Kamal Fallaha, Public Works Department/City Engineer)*

**City Council approved Resolution #4701.**

- H. By Motion, Approve The Minutes From The Regular City Council Meeting Of January 19, 2016, And The City Council Special Meeting Retreat Of January 30, 2016**

*(Terrie Gillen, Deputy City Clerk)*

**City Council approved Motion Order #16-021.**

- I. Adopt A Resolution Authorizing The City Manager To Execute A Lease Agreement With The Estate Of Ronald G. Rogge For 160 Tara Road And 1987 Bay Road, Assessor Parcel Numbers: 063-121-150, 063-132-060, 063-132-220, In A Form Approved By The City Attorney**  
*(Carlos Martínez, City Manager)*

**City Council approved Resolution #4702.**

- J. Accept And File The Treasury Report For The Second Quarter Ending December 31, 2015**  
*(Brenda Olwin, Finance Director)*

**City Council approved Motion Order #16-022.**

- K. Authorizing The Mayor To Send A Letter To Bay Conservation And Development Commission (BCDC) Supporting The San Francisquito Creek Joint Powers Authority Application For The Bay-Highway 101 Flood Control Project**  
*(Carlos Martínez, City Manager)*

**City Council approved Motion Order #16-023.**

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

- A. Recognizing Kiwoba CARES (Kiwoba Allaire, Executive Director)**

Ms. Allaire was presented a proclamation for Kiwoba CARES. She presented to Council a video of the organization highlighting its goals and programs. The Council thanked her for her service to the East Palo Alto students benefitting from Kiwoba CARES.

- B. Bright Research Group's Presentation on Measure C Preliminary Findings – Retrospective Study of Grantees from 2009-2013**

Brightstar Ohlson presented to Council the outcome of Bright Research Group's preliminary findings regarding Measure C and its grantees from 2009-2013. The Council and Ms. Ohlson conversed as to when the final findings will be presented, seniors as a whole not mentioned, what to do for organizations relying on Measure C funding when the Measure sunsets, lack of data tracking academic groups, and the omission of the police department's collaboration of the program.

There was one speaker on this item.

## 6. ORAL REPORTS

### A. Report Out of Special Meeting Closed Session

There was no Closed Session, so there was nothing to report out.

### B. Staff Reports

- The City Manager announced the several workshops of when the public can learn about the Draft General Plan.
  - February 29, 2016 (6:30 pm – 8:30pm) –WAPAC Meeting, City Hall
  - March 7, 2016 (6:30 pm- 8:30pm) – GPAC Meeting, City Hall
  - March 9, 2016 (7 pm) – Rent Stabilization Board Meeting, City Hall
  - March 14, 2016 – Open House (5:30 pm – 7pm) and Planning Commission Study Session (7 pm ), City Hall
  - March 24, 2016 (7 pm – 9 pm) - City Council Special Meeting – City Hall
  - April 20, 2016 (7:30 pm) – Public Works and Transportation Committee Meeting – City Hall
- Administrative Services Director Marie McKenzie announced the Career Preparation Workshop on Monday, February 29<sup>th</sup> throughout the day in preparation of the job fair hosted by Facebook on Tuesday, March 8<sup>th</sup> from 6 pm – 8 pm.
- Chief Pardini reported that he: 1) attended with the Mayor the Project WeHOPE Dignity on Wheels display on Middlefield Road; 2) walked the neighborhoods with Commander Glen;3) managed a townhall meeting at WeHOPE on February 10<sup>th</sup>; 4) had a Clean Zone sweep on February 13<sup>th</sup> and would do it again on February 27<sup>th</sup>; 5) announced that FitZones at the parks would take place on Mondays, Tuesdays, and Wednesdays; 6) acknowledged the five officers who completed the Crisis Information Training, and mentioned ten more officers have signed up for the training as well; 7) reported that additional staff was on hand to help coordinate traffic enforcement for the Super Bowl; and 8) informed the Council that from February 3<sup>rd</sup> through February 7<sup>th</sup>, the Police Department issued many traffic citations to unsafe drivers throughout the City.
- Management Analyst Michelle Daher announced that Governor Brown had extended the draught conservation efforts until November 2016. East Palo Alto has conserved water up to 28%, 10% more than what was required.

## C. City Council Reports

- Council Member Romero asked if a date was set for the proposed Rent Stabilization Ballot Ordinance, and asked that both the Measure C Police Activities' Evaluation and Commercial Linkage Fee be agendaized for upcoming Council meetings. He also thanked staff for the letter sent out to tenants informing them of their rights should there be a sale of the properties. Additionally, the Councilmember announced that the first meeting regarding to changes to the Rent Stabilization Ordinance would take place at the Rent Stabilization Board Meeting on February 24<sup>th</sup> at 7 pm in City Hall. Lastly, he announced that Congresswoman Jackie Speier would have a Housing meeting on Monday, February 22<sup>nd</sup> at 7 pm located at 600 Columbia Drive in San Mateo.
- Vice Mayor Moody reported on the blight at the Bay Lands and a resident and his son picking up trash in the community.
- Councilmember Gauthier also reported on the blight throughout the City. She also mentioned her attendance at the C/CAG meeting on February 11<sup>th</sup>, which she 1) cautioned residents who are digging on their properties to be careful of digging into utility lines, and 2) the California State Department of Transportation was losing gas tax funds due to low gas prices and new gas efficient cars, so it was looking into a gas tax based on vehicle miles traveled.
- Mayor Rutherford reported that she: 1) attended the Council of Cities' Dinner in January and mentioned an Annual Bay Tax for the San Francisco Bay Restoration Authority, 2) attended a Housing Crisis event, 3) attended the Lt. Gavin Newsome's "Safety for All" event to decrease gun violence, 4) provided information on Assembly Bill 1362 and would like it to be agendaized for an upcoming Council meeting, 5) attended the San Mateo County's Library JPA meeting and mentioned that the East Palo Alto Library has many upcoming events, and 6) mentioned that a Stanford student taking Housing Policy Course at Stanford, and she would like to meet with the East Palo Alto residents. The Mayor provided the information about the student to Vice Mayor Moody and to the Housing Subcommittee.

## 7. COMMUNITY FORUM

There were six speakers, and some of the topics mentioned were: 1) doing more to assist African Americans, 2) thanking Council for approving the KIPP school in the community, 3) inviting Council to Facebook's Job Fair on March 8<sup>th</sup> from 6 pm to 8pm, 4) housing, 5) placing Measure C on the ballot, and 6) removing RoundUp in the water.

**8. INFORMATIONAL REPORT**

There was no Informational Report.

**9. PUBLIC HEARING**

There was no Public Hearing.

**10. POLICY AND ACTION REPORTS**

**A. Request for Waiver of Fees for Youth Action Team**

*(Marie McKenzie, Administrative Services Director, and Emily Pharr, Community Programs Manager)*

**Recommendation**

By motion either:

1. Deny the Youth Action Team \$3,260 fee waiver request; or,
2. If the City Council would like to waive the fee, then:
  - a. Make a finding that the Youth Action Team Arts and Music Festival event and activities provide a substantial public benefit; and;
  - b. Authorize the City Manager to waive the \$3,260 fee in consideration for the applicants listing the City of East Palo Alto as an event sponsor

Community Programs Manager Pharr reported to the City Council the Youth Action Team's request for a fee waiver. Council voiced their support for a compromise. Four speakers from the Youth Action Team spoke in their support for a fee waiver. Council and Staff conversed on the need for the youth to have an outlet, the number of anticipated attendees and participants, the participation of the police department, and the request for keeping the event clean.

**Action:** Upon motion by Councilmember Romero and seconded by Vice Mayor Moody, the City Council **voted 4-0, with Councilmember Abrica absent**, to approve the waiver of the major event fee, replace the maintenance fee with a refundable deposit maintenance fee, reduce the number of police officers from three to two, have members of the Youth Action Team participate at Clean Zone events, and the Youth Action Team provide a public benefit.

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

**City Council approved Motion Order #16-024.**

**11. ADJOURNMENT**

The City Council meeting adjourned in memory of Bishop Teman L.Bostic at 9:14 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted By:



Terrie Gillen  
Deputy City Clerk

*Minutes were approved at the City Council regular meeting on March 15, 2016.*