



City of East Palo Alto MINUTES

**CITY COUNCIL SPECIAL MEETING - 6:30 P.M.
CITY COUNCIL REGULAR MEETING - 7:30 P.M.
TUESDAY, MARCH 1, 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 6:31 p.m. All were present, except for Councilmember Abrica. His absence was excused.

PRESENT: Rutherford, Moody, Gauthier, Romero

ABSENT: Abrica

2. APPROVAL OF THE AGENDA (*Government Code section 54957.7(a)*)

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 ON CLOSED SESSION ITEMS

There were no comments from the public regarding the Closed Session Items.

4. ADJOURNMENT INTO CLOSED SESSION

The City Council adjourned into Closed Session at 6:31 p.m.

5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code section 54956.8)

PROPERTIES: 1266 BEECH STREET PROPERTY (APNs: 063-600 and 063-600-999), AND 2415 UNIVERSITY AVENUE, CITY HALL (APNs: 063-103-370, 063-103-360, 03-103-380, and 063-103-390)

AGENCY NEGOTIATORS: CITY MANAGER CARLOS MARTÍNEZ AND INTERIM CITY ATTORNEY MARC HYNES

NEGOTIATING PARTIES: COUNTY OF SAN MATEO

6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Government Code section 54957)

TITLE: CITY MANAGER

7. RECONVENE INTO OPEN SESSION

The City Council reconvened into Open Session at 7:39 p.m.

8. REPORT OUT OF CLOSED SESSION

The Mayor stated that there was nothing to report out.

9. ADJOURNMENT

The City Council adjourned the Special Meeting at 7:40 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 7:40 p.m. All were present, except for Councilmember Abrica. His absence is excused.

PRESENT: Rutherford, Moody, Gauthier, Romero

ABSENT: Abrica

2. APPROVAL OF THE AGENDA

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

AYES: Gauthier, Moody, Rutherford, Romero

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

AYES: Gauthier, Romero, Rutherford, Moody

NOES: None

ABSENT: Abrica

A. By Motion, Approve Proclamation Recognizing March 7 Through March 14, 2016 As Arbor Week

(Michelle Daher, Management Analyst)

City Council approved Motion Order #16-025.

B. By Motion, Approve The Mayor's Proposal Of City Council Appointments To Various Organizations and Committees

(Terrie Gillen, Deputy City Clerk)

City Council approved Motion Order #16-026

- C. Adopt a Resolution Finding That There Is A Need To Contract Special Services That Warrant Dispensing With Competitive Bid Procedures Pursuant To Government Contract Code Section 53060, California Public Contracts Code Section 20162, And East Palo Alto Municipal Code Section 2.84.070 (D); And, Authorize The City Manager To Award And Execute A Contract With ARKTOS, Incorporated For Replacement Of The Automatic Gate At Cooley Landing In An Amount Not To Exceed \$11,500**
(Sean Charpentier, Assistance City Manager, Kamal Fallaha, Public Works Director/ City Engineer, and Jay Farr, Maintenance Division Manager)

City Council approved Resolution #4703.

- D. Adopt A Resolution Authorizing The City Manager To Accept The Informal Lowest Bid From Towne Ford In Redwood City, To Purchase One 2016 Ford Taurus Sedan For the Police Department In An Amount Not To Exceed \$24,942.50, And To Appropriate Funds in Self-Insurance Fund 013**
(Albert Pardini, Chief of Police)

City Council approved Resolution #4704.

- E. Adopt A Resolution Authorizing The City Manager To Execute An Annual Contract With ShotSpotter Inc. For The Provision Of Maintenance And Support Services For A Citywide Gunshot Detection and Location System In An Amount Not To Exceed \$30,738**
(Albert Pardini, Chief of Police)

City Council approved Resolution #4705.

- F. By Motion, Accept The Completion Of The “San Francisquito Creek Temporary Flood Control Berm, Downstream Of Route 101 – Project No. CIP-2015/16-SP-03,” 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 (35) Days After Recordation**
(Sean Charpentier, Assistant City Manager, Kamal Fallaha, Public Works Director/ City Engineer, and Maziar Bozorginia, Senior Engineer)

City Council approved Motion Order #16-027.

- G. Accept The Informational Report Regarding The City Attorney Executive Search Update, And Provide Feedback To The Consultant On Draft Recruitment Brochure And Tentative Schedule**
(Marie McKenzie, Administrative Services Director)

City Council approved Motion Order #16-028.

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

A. Community Organizations Active in Disaster (COAD)

Representatives from COAD, Isaac Stevenson and Christy Silva, presented to City Council information about their organization in which they and the City Council conversed on more specifics on how the organization functions.

B. Ravenswood School District Bond Measure

Superintendent Dr. Gloria M. Hernandez-Goff and her Staff provided the City Council an in depth knowledge of the deterioration of the district's schools and the need to repair and/or replace the various facilities. Consequently, they were in the process of reaching out to the community to pursue a bond measure to raise revenue for these schools.

There was one speaker on Item #5B.

6. ORAL REPORTS

A. Report Out of Special Meeting Closed Session

The Mayor stated that there was nothing to report.

B. Staff Reports

- Assistant City Manager Charpentier announced the hiring of two additional staffers to the Community and Economic Development Department, as well as the departure of one current Staffer. He also publicized several events happening in the month of March, which were the multiple General Plan workshops throughout the City, the Rent Stabilization Ordinance proposed amendments meeting, and the Canopy tree planting event in the Kavanaugh neighborhood. Mr. Charpentier proclaimed the impending storms scheduled to take place, so he mentioned that sandbags were available at the Corp Yard.
- Chief Pardini reported on two separate crimes that took place in February, which were a burglary and a robbery. He also mentioned the Hells Angels event that took place and that the police had made 32 traffic stops. Additionally, the Chief reported on the Clean Zone community sweeps at various streets in the City.

- Administrative Services Director Marie McKenzie reported on upcoming community meetings: My Brother's Keep Summit on April 7th, Spring Festival and Grand Opening of Cooley Landing on April 16th, and the Senior Lifestyle Expo on May 9th. She mentioned the success of the Readiness Workshop on February 29th and the future Facebook Job Fair on March 8th.

C. City Council Reports

- Councilmember Gauthier reported on several events she attended: Former Supervisor Rose Jacob-Gibson's workshop for men and women interested in running for elected offices, the Boys and Girls Club Youth of the Year Awards, the San Francisquito Creek JPA meeting about Phase I on the creek, a Black History Program, Congresswoman Jackie Speier's Affordable Housing meeting, and a mental health meeting targeting teens and the youth. Moreover, she publicized future events: the San Mateo County's Bocce Ball Tournament, and the My Brother's Keeper Summit. Councilmember Gauthier asked the public to stay vigilant of potential flooding due to the upcoming storms.
- Vice Mayor Moody stated that he attended the Palo Alto State of the City Address, a meeting with the Alliance Management Group that would take over the EQR properties, the County Task Force on Housing meeting, and the Santa Clara County's meeting regarding immigration and immigration issues and rights.
- Mayor Rutherford announced to the public that there is an opening serving on the San Mateo County Grand Jury if interested. Then, she spoke on the multiple meetings she attended: the East Palo Alto Sanitary District Intergovernmental Affairs Meeting, an event honoring former Councilmember A. Peter Evans, a kick-off hosted by the American Heart Association and Ravenswood Clinic about hypertension, the ribbon cutting at the new San Mateo County sheriff's jail, the Council of Cities' Dinner in South San Francisco, and her participation at Facebook. She also mentioned that she received a letter from the American Lung Association's report card on each city.

7. COMMUNITY FORUM

There was one speaker.

8. INFORMATIONAL REPORT

A. Closure of East Bayshore Road due to Caltrans' San Francisquito Creek Bridge Replacement Project

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

Recommendation

Receive a presentation from Staff related on the impending partial closure of East Bayshore Road necessary for the reconstruction of the San Francisquito Creek Bridge.

Public Works Director Fallaha gave a presentation on the partial closure. He mentioned the phases of work and the expected beginning and ending of the project. Then he and the City Council spoke about communicating with the neighborhoods impacted by this and the City of Menlo Park.

9. PUBLIC HEARING

There was no Public Hearing.

10. POLICY AND ACTION REPORTS

A. Approve a Contract Amendment of \$72,500 with The Lew Edwards Group for Communications Outreach, Consulting, and Mailing Services

(Brenda Olwin, Finance Director)

Recommendation

Adopt a resolution authorizing the City Manager to execute an amendment to the Professional Services Agreement with The Lew Edwards Group in an amount not to exceed \$76,500, for an amended contract total (including prior consulting and opinion survey costs of \$44,000) not to exceed \$116,500.

Finance Director Olwin conversed with the City Council about the results of The Lew Edwards Group community survey, consultant costs, a possible revenue ballot measure in November, multilingual mailers, Measure C, informing versus campaigning, messaging, possible staff time, tracking the survey, and a possible gross receipts tax.

Action: Upon motion by Councilmember Gauthier and seconded by Mayor Rutherford, the City Council voted **4-0, with Councilmember Abrica absent**, to approve the contract amendment with The Lew Edwards Group.

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

City Council approved Resolution #4706.

B. Approve the Preparation of a Biennial Budget for Fiscal Years 2016-18 and the FY 2016-18 Operating and Capital Budget Calendar

(Brenda Olwin, Finance Director)

Recommendation

By motion, approve the preparation of a Biennial Budget for Fiscal Years 2016-18 and the FY 2016-18 Operating and Capital Budget Calendar.

The Finance Director explained to the City Council that each Fiscal Year would be separated into FY 2016-2017 and FY 2017-2018, but would be presented two years at a time. She explained that this would save Staff hours. Afterwards, Ms. Olwin and a couple of City Council members discussed Staff budget strategies, mid-cycle updates, multiyear projects, efficiency, and Council control.

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

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

City Council approved Motion Order #16-029.

C. Amendments to Chapter 8.56 (Smoking Regulations) of the East Palo Alto Municipal Code

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

Recommendation

By motion, waive the first reading and introduce an ordinance amending Chapter 8.56 of the East Palo Alto Municipal Code (Smoking Regulations) to expand the scope of an existing smoking ban to include public parks, open spaces, and electronic cigarettes.

Community Programs Manager Pharr presented to the Council the proposed amending of Chapter 8.56 regarding Smoking Regulations, and read two letters from the public in support of the recommendation. Ms. Pharr and the City Council conversed on e-cigarettes, and regulating the sales of the e-cigarettes and tobacco.

There were two speakers on this item.

Action: Upon motion by Vice Mayor Moody and seconded by Councilmember Gauthier, the City Council **voted 4-0, with Councilmember Abrica absent**, to waive the first reading and introduce the ordinance

AYES: Moody, Gauthier, Rutherford, Romero

NOES: None

ABSENT: Abrica

City Council approved Motion Order #16-030.

D. Follow up regarding Staffing discussion from the 2016 City Council Strategic Priorities Retreat
(Sean Charpentier, Assistant City Manager)

Recommendation

Adopt a resolution authorizing the City Manager to release a Request for Qualifications for limited duration contract planning services, and approve a budget appropriation of \$30,600 for 2 months of the City Engineer position.

Assistant City Manager Charpentier continued his conversation with the City Council about the need for more Staff to assist with multiple planning and engineering projects.

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

AYES: Romero, Gauthier, Rutherford, Moody

NOES: None

ABSENT: Abrica

City Council approved Resolution #4707.

E. Supporting a national coalition of municipalities supporting the President's Executive Action on Immigration in an Amicus Brief to the Supreme Court in the Case of Texas V. United States
(Carlos Martínez, City Manager, in behalf of Council Member Carlos Romero)

Recommendation

By motion, direct and authorize the Interim City Attorney to sign in behalf of the City Council of the City of East Palo Alto on an amicus brief to the U.S. Supreme Court being prepared by a coalition of local governments, including the cities of New York City, Los Angeles, Atlanta, and Birmingham, supporting the President's Executive Action on Immigration.

City Manager Martínez and Councilmember Romero spoke on the importance of supporting the Executive Action.

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 motion.

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

City Council approved Motion Order #16-031.

After Item #10E, Mayor Rutherford recused herself from the following Item #10F and exited the Council Chamber. Vice Mayor Moody led the remaining Council meeting.

F. City Council Resolution Opposing Assembly Bill 1362
(Marc Hynes, Interim City Attorney, in behalf of Mayor Donna Rutherford)

Recommendation

Consider adopting a resolution opposing Assembly Bill 1362.

Interim City Attorney Marc G. Hynes presented to the remaining City Council members the purpose of this bill and explained the reason to oppose the bill.

Action: Upon motion by Councilmember Gauthier and seconded by Councilmember Romero, the City Council **voted 3-0, with Councilmember Abrica absent and Mayor Rutherford recused**, to approve the motion.

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

City Council approved Motion Order #16-032.

11. ADJOURNMENT

The Vice Mayor adjourned the meeting at 10:23 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted By:



Terrie Gillen
Deputy City Clerk

Minutes were approved at the regular City Council meeting on April 5, 2016.