



City of East Palo Alto

Mission Statement

The City of East Palo Alto provides responsive, respectful, and efficient public services to enhance the quality of life and safety for its multi-cultural community.

DATE POSTED: Friday, March 29, 2013

TIME: 3:00 P.M.

*By: Nora Pimentel, CMC
Deputy City Clerk*

**CITY COUNCIL MEETING AGENDA
TUESDAY, APRIL 2, 2013
CLOSED SESSION 7:00 P.M.
OPEN MEETING 7:30 P.M.**

**EPA Government Center
2415 University Ave - First Floor - City Council Chamber**

The public may view the Staff Reports listed herein at the City's Website, www.ci.east-palo-alto.ca.us, under the corresponding agenda located on City Council Agenda/Minutes Page.

COMMUNITY FORUM AND SPECIAL PRESENTATIONS: Members of the audience may address the Council on any agenda item or on any item of interest to the public within the Council's purview, before or during the Council's consideration of the item. If you wish to address the Council, please fill out a Speaker Sheet and give it to the City Clerk. When your name is called, step to the podium and address the Council. Speakers are limited to two minutes each, and presentations are limited to 10 minutes. The Mayor has the discretion to lengthen or shorten the allotted times.

7:00 P.M **Closed Session Call to Order and Roll Call**

- 1. Approval of the Closed Session Agenda (Government Code § 54957.7(a))**
- 2. Closed Session Community Forum**
- 3. Adjournment into Closed Session**
- 4. Property Negotiation (Government Code § 54956.8)**
Conference with real property negotiators:
 - A. Ravenswood Family Health Center**
Property: APN 063-231-250
Agency Negotiators: John Doughty, Valerie J. Armento
Under Negotiations: Lease extension

7:30 P.M. REGULAR CITY COUNCIL MEETING

5. Call to Order and Roll Call

6. Approval of the Agenda

CONSENT CALENDAR - City Council Ordinances, Resolutions/Informational Reports/Approval of Actions and Motions

Recommendation That the City Council Adopt the Consent Calendar as indicated

7. Approval of Consent Calendar

8. Proclamations

None

9. Claims (*Valeria J. Armento, Interim City Attorney*)

Recommendation

Reject the following claims:

- A. Claimant: Bernice Turner
- B. Claimant: Dean Lynn Williams
- C. Claimant: Lennard Duke Sheard

10. Minutes

None

11. **Adopt a resolution authorizing the City Manager to execute an amendment to the 2009 Water Supply Agreement between the Bay Area Water Supply and Conservation Agency (BAWSCA) and the San Francisco Public Utilities Commission (SFPUC) providing BAWSCA members voting representation on decisions affecting the O'Shaunessy Dam and Hetch Hetchy Reservoir.** (*John Doughty, Community Development Director*)

12. **Adopt a resolution authorizing the City Manager to advertise Phase II of the Rail Spur Improvement Project to solicit bids from interested contractors.**
(*John Doughty, Community Development Director*)

13. **Approve a resolution adopting the 2006 Bay Area Integrated Regional Water Management Plan (BAIRWMP).** (*John Doughty, Community Development Director*)

14. **Adopt a resolution authorizing the City Engineer, and in the absence of the City Engineer, the City Manager or the Director of Community Development, to execute Right of Way Certifications for State and Federal-Aid Transportation Projects.**
(*John Doughty, Community Development Director*)

15. **Waive second reading and adopt an Ordinance adding Chapter 17.05 to the East Palo Alto Municipal Code, regarding Reusable Bags.**
(*John Doughty, Community Development Director, Valerie J. Armento, Interim City Attorney*)

16. **Adopt a resolution continuing the Local Emergency declared on January 2, 2013.**
(Valerie J. Armento, Interim City Attorney, John Doughty, Community Development Director)

The Consent Calendar; and, Items 17-20 may be addressed during Community Forum only, unless otherwise approved by Council

17. **Written Communications:** None
18. **Special Presentations (Each presentation is limited to 10 minutes) (Government Code §54954.3(b)):**
None

ORAL REPORTS

19. **Staff Reports**
20. **City Council Reports**
21. **COMMUNITY FORUM**

PUBLIC HEARINGS

22. **Amendment to the Urban Water Management Plan** *(John Doughty, Community Development Director)*

Recommendation

Adopt a resolution approving the First Amendment to the 2010 Urban Water Management Plan.

POLICY AND ACTION ORDINANCES, RESOLUTIONS, INFORMATIONAL REPORTS

23. **Solid Waste Collection Rate Increase for Fiscal Year 2013-2014**
(Edmund Suen, Finance Director, John Doughty, Community Development Director)

Recommendation

Adopt a resolution authorizing the City Clerk to proceed with issuing Public Notice of a proposed increase to residential and commercial solid waste collection services rates for Fiscal Year (FY) 2013-2014 consistent with Proposition 218 procedures; and establishing a City policy regarding the protest procedure, "Guidelines for the Submission and Tabulation of Protests" (Exhibit A).

ADJOURNMENT



**CITY OF EAST PALO ALTO
OFFICE OF THE CITY ATTORNEY
2415 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303**

City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the East Palo Alto City Council
From: Valerie J. Armento, Interim City Attorney
Re: Claim of Bernice Turner

Recommendation

By motion, reject the claim of Bernice Turner

Discussion

Loss Date: Ongoing
Amount of Claim: \$2,079.

Ms. Turner alleges property damage to a portion of the rain gutter of her house caused by the branches of a tree that fell on her roof. She seeks damages in the amount of \$2079 to repair the damage.

The City has extended an offer of settlement to Ms. Turner, but she has yet to respond to the City's final offer. Rejection of this claim does not affect the settlement offer.

The purpose of this rejection is to comply with our responsibilities under the California Government Code, which establishes procedures for the processing of claims. Failure to provide a claimant written notice of our action may result in extension of the statutory period during which a claimant may pursue his/her cause of action.

Rejection of the claim does not address the merits of the claim. The claimant has six months after the date of rejection to file a court action on the claim.

Fiscal Impact

None at this time



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City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the East Palo Alto City Council
From: Valerie J. Armento, Interim City Attorney
Re: Claim of Dean Lynn Williams

Recommendation

By motion, reject the claim of Dean Lynn Williams.

Discussion

Loss Date: 02-12-13
Amount of Claim: \$268.

Mr. Williams alleges he tripped over a raised sidewalk at Fordham Street and that his left knee and left arm hurt since the date of the accident.

The purpose of this rejection is to comply with our responsibilities under the California Government Code, which establishes procedures for the processing of claims. Failure to provide a claimant written notice of our action may result in extension of the statutory period during which a claimant may pursue his/her cause of action.

Rejection of the claim does not address the merits of the claim. The claimant has six months after the date of rejection to file a court action on the claim.

Fiscal Impact

None at this time



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City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the East Palo Alto City Council
From: Valerie J. Armento, Interim City Attorney
Re: Claim of Lennard Duke Sheard

Recommendation

By motion, reject the claim of Lennard Duke Sheard.

Discussion

Loss Date: 07-15-12
Amount of Claim: Not stated.

The claimant was sitting at a trimmed tree trunk at Jack Farrell Park watching a baseball game. He alleges personal injury when he stood up and his right foot went inside the stump hole of the tree.

The purpose of this rejection is to comply with our responsibilities under the California Government Code, which establishes procedures for the processing of claims. Failure to provide a claimant written notice of our action may result in extension of the statutory period during which a claimant may pursue his/her cause of action.

Rejection of the claim does not address the merits of the claim. The claimant has six months after the date of rejection to file a court action on the claim.

Fiscal Impact

None at this time



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City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the City Council
Via: Edmund Suen, Acting City Manager
From: John Doughty, Community Development Director
Subject: Water Supply Agreement Amendment

Recommendation

Adopt a resolution authorizing the City Manager to execute an amendment to the 2009 Water Supply Agreement between the Bay Area Water Supply and Conservation Agency (BAWSCA) and the San Francisco Public Utilities Commission (SFPUC) providing BAWSCA members voting representation on decisions affecting the O’Shaunessy Dam and Hetch Hetchy Reservoir.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority #1: Enhance public safety and emergency preparedness
- Priority #2: Enhance economic vitality
- Priority #6: Create a healthy and safe community

Background

On November 6, 2012, the voters of San Francisco considered an initiative that, if approved, could have led to abandonment of the O’Shaunessy Dam and the draining of the Hetch Hetchy Reservoir in the Sierra Mountains, the largest reservoir in the SFPUC Hetch Hetchy Water Supply System. The initiative failed, but similar proposals could re-surface placing the City’s primary water supply at risk.

BAWSCA and its member agencies had no say in the initiative, in the vote on such an action or in how the SFPUC would respond, if approved, despite BAWSCA representing approximately 75 percent of Hetch Hetchy system water use. As a result, BAWSCA and the City of San Francisco worked on a solution to address water supply reliability, water quality and cost allocation.

On January 22, 2013, the SFPUC approved an amendment to the 2009 Water Supply Agreement. This amendment followed significant negotiation by the BAWSCA Chief Executive Officer, the BAWSCA Board and other elected officials. The agreement amendment requires ratification by BAWSCA member agencies.

Analysis

The attached agreement provides the City, along with other members, a vote on any proposal to drain Hetch Hetchy Reservoir and/or eliminate the O'Shaunessy Dam. As major users of the Hetch Hetchy Reservoir water, this affords BAWSCA members protection against future actions that might significantly impact water supplies.

BAWSCA by-laws require that the agreement be approved by a resolution of the City Council and signed by each member agency. A copy of the agreement is included as Exhibit A to the resolution. The agreement is requested to be approved, as negotiated. The City Attorney has reviewed the agreement and approved as to form.

Fiscal Impact

There is no financial impact related to this action. Protection of SFPUC Hetch Hetchy water supply is critical to the City as replacing the water supply would be extremely difficult and costly to the City and rate payers.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO APPROVING AN AMENDMENT TO THE WATER SUPPLY AGREEMENT WITH THE CITY AND COUNTY OF SAN FRANCISCO

WHEREAS, the City and County of San Francisco, acting by and through its Public Utilities Commission, entered into a Water Supply Agreement with Wholesale Customers in Alameda County, San Mateo County and Santa Clara County in June 2009 (WSA); and

WHEREAS, Proposition F, the "Water Sustainability and Environmental Restoration Act" appeared on the November, 2012 ballot and, if enacted, would have required the City of San Francisco to evaluate how to drain Hetch Hetchy Reservoir; and

WHEREAS, the San Francisco Charter acknowledges that the Hetch Hetchy Water System, including O'Shaughnessy Dam, is an irreplaceable asset such that San Francisco could not drain Hetch Hetchy Reservoir or abandon or decommission O'Shaughnessy Dam absent a Charter amendment as well as additional regulatory and administrative approvals; and

WHEREAS, the parties, at the time of entering into the WSA, contemplated that Hetch Hetchy Reservoir and O'Shaughnessy Dam were both integral parts of the Regional Water System and were considered Existing Assets as that term is used in the WSA, and were included in the calculation of the Wholesale Revenue Requirement; and

WHEREAS, the parties, at the time of entering into the WSA, also contemplated that the reliability and quality of the water to be delivered was premised on the shared assumption of the continued use of Hetch Hetchy Reservoir and O'Shaughnessy Dam as integral components of the Regional Water System; and

WHEREAS, the parties, at the time of entering into the WSA, did not contemplate that an alternate water delivery system created as a result of draining Hetch Hetchy Reservoir, or abandoning or decommissioning O'Shaughnessy Dam, would be considered part of a New Regional Assets described by the WSA; and

WHEREAS, the parties now desire to amend the WSA to reaffirm the water reliability and quality requirements set forth therein, and to acknowledge that Hetch Hetchy Reservoir and O'Shaughnessy Dam will continue to be used as integral components of the Regional Water System, unless both San Francisco and the Wholesale Customers approve any alternate water storage and delivery system to be used for delivery of water under the WSA; and

WHEREAS, said amendment to the WSA was approved by the San Francisco Public Utilities Commission on January 22, 2013 and its General Manager was authorized to execute it, provided the amendment is approved by the Wholesale Customers; and

WHEREAS, the City Manager recommends the approval of the attached amendment.

NOW, THEREFORE, BE IT RESOLVED:

1. The attached Amendment No. 1 to the Water Supply Agreement between the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County (Amendment) is approved.

2. The City Manager is authorized and directed to execute the Amendment, in the form attached hereto, on behalf of the City.

PASSED AND ADOPTED this 2nd day of April, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

Ruben Abrica, Mayor

ATTEST:

APPROVED AS TO FORM:

Nora Pimentel, Deputy City Clerk

Valerie J. Armento, Interim City Attorney



**CITY OF EAST PALO ALTO
OFFICE OF THE CITY MANAGER
2415 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303**

City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the City Council
Via: Edmund Suen, Acting City Manager
From: John Doughty, Community Development Director
Subject: Rail Spur Improvement Project.

Recommendation

Adopt a resolution authorizing the City Manager to advertise Phase II of the Rail Spur Improvement Project to solicit bids from interested contractors.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority #4: Improve Public Facilities and Infrastructure
- Priority #6: Create a Healthy and Safe Community

Background

In 2006, the City approved two residential development projects, Pulgas Avenue Homes (Byrd/Brock/DKB Homes) and Landers Walk (The Olson Company), within the Ravenswood Business District. As a condition of approval for each project, the developers were required to contribute \$100,000 each (combined \$200,000) to remediate the contaminated former rail spur between Bay Road and Pulgas Avenue and convert it to a pedestrian and bicycle trail.

In June 2007, the former Redevelopment Agency and the developers entered into a Rail Spur Easement Agreement, which required the developers to remediate the site, prepare landscape plans (lighting, benches, drought resistant plants), and to assume responsibility for ongoing maintenance of the site in perpetuity, as well as to allow public access. The developers began work on the rail spur, including conducting environmental testing, removing overgrown vegetation, debris, and some railroad tracks and ties.

In June 2008, the City received a \$100,000 Transportation Development Act (TDA) Article 3 grant from the Metropolitan Transportation Commission (MTC) to pay for costs associated with converting the rail spur into a pedestrian/bicycle trail. Originally scheduled to expire in June 2011, the MTC extended the grant term through June 2013. Unfortunately, in 2008, the local housing market collapsed; work on the Rail Spur stopped.

In 2009, the former Redevelopment Agency purchased the three parcels along Weeks Street from the Olson Company. The City assumed the \$100,000 Olson Company obligation for Rail Spur remediation. In April 2012, the Oversight Board of the Former City of East Palo Alto Redevelopment Agency included the Rail Spur Improvement Project as an enforceable obligation and obligated \$100,000 in former Agency funds for the project. In addition, \$1,878 of former Redevelopment funds were expended for the project prior to the dissolution of the City's former Redevelopment Agency.

Because of funding concerns, it was determined that the project should be developed in two phases. On July 19, 2011, the City Council approved Resolution 4173, awarding a contract to J.J. Albanese to construct Phase I of the project. Phase I of this project included remediation of the former rail spur, which included constructing a pedestrian/bicycle pathway; capping contaminated areas over the full width of the rail spur; installing storm drain infrastructure; installing PVC conduit pipe, and conduit pull boxes along the entire length of the pathway. The project was completed in September 2012, for a total cost of \$192,883.61.

In 2012, under City Manager authorization, the City retained Callander Associates to prepare design drawings and construction documents for Phase II.

Analysis

Staff is requesting authorization to proceed with soliciting bids for Phase II of the project. Phase II includes installation of the electrical service pedestal, electrical conduit, foundations for light fixtures, irrigation and some limited landscaping. The engineer's estimate of the improvements for Phase II is approximately \$109,000 inclusive of 10 percent contingency.

The remaining available budget balance for Phase II is \$79,315. The estimated cost of Phase II improvements exceeds the budgeted available funds by approximately \$30,000. As such staff is recommending bidding the project as a base bid plus two "add" alternates. The base bid includes all trench work, conduits, the electrical pedestal, and light fixture foundations and limited landscaping, estimated to cost approximately \$50,500. "Add" alternate No. 1 includes installation of City owned light fixtures. "Add" alternate two includes purchase and installation of site furnishings as well as installation of additional landscape material. The recommendation will allow the City to proceed with the work included in the base bid, at a minimum, and possibly one or both of the "add" alternates depending upon the bids. After opening bids, staff will recommend whether to award on one or both of the "add" alternates based upon bids and available budget. The award of contract is subject to City Council approval.

Fiscal Impact

The project does not impact the General Fund. Capital project costs are being funded with \$101,878 in former redevelopment funds, \$100,000 in MTC TDA Article 3 Grant, and \$70,320 in Public Finance Authority Capital Bond Proceeds per City Council Resolution No. 4173. Project management is currently being funded as a recognized obligation of the former redevelopment agency. There is \$79,315 available to construct Phase II.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO
AUTHORIZING THE CITY MANAGER TO ADVERTISE PHASE II OF THE RAIL
SPUR IMPROVEMENT PROJECT TO SOLICIT BIDS FROM CONTRACTORS**

WHEREAS, in June 2007, the City and two developers entered into a Rail Spur Easement Agreement to remediate and to convert the abandoned rail spur located between Bay Road and Pulgas Avenue into a pedestrian/bicycle trail; and

WHEREAS, staff is requesting authorization to solicit bids for Phase II which includes installation of the electrical service pedestals, electrical conduits, foundations for light fixtures, irrigation and some limited landscaping.

WHEREAS, after completion of Phase I, \$79,314 remains in the budget to implement Phase II; and,

WHEREAS, on opening bids, staff will return to the City Council for award of a contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF EAST PALO ALTO THAT** the City Manager is hereby authorized to advertise to solicit bids for Phase II of the Rail Spur Improvement Project.

PASSED AND ADOPTED this 2nd day April, 2013, by the following vote:

- AYES:**
- NAES:**
- ABSENT:**
- ABSTAIN:**

SIGNED:

Ruben Abrica, Mayor

ATTEST:

APPROVED AS TO FORM:

Nora Pimentel, Deputy City Clerk

Valerie J. Armento, Interim City Attorney



CITY OF EAST PALO ALTO
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City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the City Council
Via: Edmund Suen, Acting City Manager
From: John Doughty, Director of Community Development
Subject: Bay Area Integrated Regional Water Management Plan

Recommendation

Approve a resolution adopting the 2006 Bay Area Integrated Regional Water Management Plan (BAIRWMP).

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority #2: Enhance Economic Vitality
- Priority #4: Improve Public Facilities and Infrastructure

Background

Integrated Regional Water Management (IRWM) is a collaborative effort to manage all aspects of water resources in a region. IRWM crosses jurisdictional, watershed, and political boundaries; involves multiple agencies, stakeholders, individuals, and groups; and attempts to address the issues and differing perspectives of all the entities involved through mutually beneficial solutions

The Integrated Regional Water Management Plan (IRWMP) Act was adopted by the State in 2002 to: 1) encourage local agencies to work cooperatively to manage local and imported water supplies; and 2) to improve the overall quality, quantity, and reliability of water supplies.

The State Water Resources Control Board (SWCB) and Department of Water Resources (DWR) are primarily responsible for oversight of IRWM throughout the State.

In 2004, the SWCB and DWR jointly issued the first Integrated Regional Management Grant Program Guidelines (Guidelines). By Statute, an IRWMP is to identify and address major water related objectives and conflicts within the region, consider all of the resource management strategies identified in the California Water Plan, and use an integrated, multi-benefit approach to project selection and design. Initially, the guidelines focused on water supply and resources. The State subsequently modified grant guidelines to include storm water resource planning as well. One of the principal tenets of the grant program is that grant funded projects be consistent with the IRWMP.

IRWMPs must include performance measures and monitoring to document progress toward meeting objectives. Projects that may be funded pursuant to this section must be consistent with an adopted IRWMP as defined in the DWR's Guidelines, must provide multiple benefits, and must include one or more of the project elements outlined in the Guidelines.

In November 2006, Proposition 1E, the Disaster Preparedness and Flood Prevention Bond Act, passed making funding available through the DWR for grants to assist local public agencies with projects that meet the long-term water needs as identified in the IRWM program. Proposition 1E included funding for storm water flood management planning and implementation.

On February 1, 2013, the City of East Palo Alto applied for a Proposition 1E Storm Water Flood Management Grant in the amount of \$667,953 to help fund the construction of the Runnymede Storm Drain Phase II project.

The Runnymede Storm Drain Phase II Project is located adjacent to the Baylands extending from the terminus of Runnymede Street to the O'Connor Pump Station. The project has been designed to improve flood water conveyance by diverting flows at the existing outfall at the end of Runnymede Street, through an improved drainage channel for pumping into the San Francisquito Creek via the O'Connor Pump Station. The completed system is anticipated to have sufficient capacity to handle existing flows from a 100-year storm event, plus additional flows from the Ravenswood Business District, without overflowing into adjacent streets in the Gardens and Weeks areas.

Analysis

To be eligible for these grant programs, the City must adopt an IRWMP that meets the requirements the DWR. Previously, DWR considered projects eligible if the IRWMP was adopted by an agency such as the Bay Area Water Supply & Conservation Agency (BAWSCA) on behalf of the City.

The most current Bay Area IRWMP (BAIRWMP) was adopted in 2006 by BAWSCA on behalf of its member agencies. While the region is currently in the process of preparing an update to the 2006 plan, it does not appear that the update will be completed in time to meet State grant

deadlines. As such DWR has recommended that the City proceed with formal adoption of the 2006 BAIRWMP. As noted earlier, the City has been subject to and compliant with this document since BAWSCA adoption in 2006. Adoption of the 2006 BAIRWMP will meet eligibility requirements for the Storm Water Flood Management Grant for which the City has applied.

Fiscal Impact

There is no anticipated fiscal impact to adopting the 2006 Bay Area Integrated Regional Water Management Plan. By adopting the Plan, the City can continue to pursue a \$667,953 grant from the California Department of Water Resources.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO
ADOPTING THE 2006 BAY AREA INTEGRATED REGIONAL WATER
MANAGEMENT PLAN**

WHEREAS, in November 2006, the Bay Area Integrated Regional Water Management Plan was prepared and adopted by member agencies, including Bay Area Water Supply and Conservation Agency (BAWSCA), which represents the East Palo Alto; and

WHEREAS, the Bay Area Integrated Regional Water Management Plan is currently being updated and includes the Runnymede Phase II Storm Drain Project on the list of projects; and

WHEREAS, as a requirement to be eligible for Prop 1E State Water Fund Grants, including Stormwater Flood Management Grant, the City Council must adopt the Integrated Regional Water Management Plan; and

WHEREAS, it is anticipated that the update of the Bay Area Integrated Regional Water Management Plan is not anticipated to be completed early enough to maintain eligibility for Stormwater Flood Management Grant Round 2 funding; and

WHEREAS, adoption of the existing BAIRWMP would be consistent with the adoption by BAWSCA, and aid in maintaining the City's eligibility for the Stormwater Flood Management Grant Round 2 for which the City applied.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY ADOPTS THE 2006 BAY AREA INTEGRATED REGIONAL WATER MANAGEMENT PLAN (BAIRWMP).

PASSED AND ADOPTED this 2nd day of April 2013, by the following vote:

- AYES:**
- NAES:**
- ABSENT:**
- ABSTAIN:**

SIGNED:

Ruben Abrica, Mayor

ATTEST:

APPROVED AS TO FORM:

Nora Pimentel, Deputy City Clerk

Valerie J. Armento, Interim City Attorney



CITY OF EAST PALO ALTO
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City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the City Council
Via: Edmund Suen, Acting City Manager
From: John Doughty, Community Development Director
Subject: Sign Right of Way Certifications for State and Federal Aid Transportation Projects

Recommendation

Adopt a resolution authorizing the City Engineer, and in the absence of the City Engineer, the City Manager or the Director of Community Development, to execute Right of Way Certifications for State and Federal-Aid Transportation projects.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority #3: Increase Organizational Effectiveness and Efficiency
- Priority #4: Improve Public Facilities and Infrastructure

Background

The City receives State and Federal-Aid funds for transportation projects. This resolution would streamline the project delivery process by authorizing the City Engineer to sign required Right of Way Certifications (ROWC). The ROWC identifies the potential right of way needs for a given project. ROWCs are required by Caltrans for projects that range from Safe Routes to School to large projects such as Bay Road.

In the past, the City would designate the signature authority at the time that each funding source was accepted. This has created an irregular, project-specific pattern of allowable signatories including the former Public Works and Planning Directors, the former Public Works Director, and/or the City Manager.

The proposed resolution would clearly identify the City Engineer (as there is no Public Works Director) as having primary signing authority. If the City Engineer is not available, the City Manager or the Director of Community Development could sign. This is relevant now because the City is implementing many significant projects with Federal and State Transportation funds. Recently, Caltrans requested signature by the City, as well as the authorizing resolution. Staff has been unable to locate a resolution and is requesting approval of the attached resolution to provide clarity of signature authority.

Analysis

This resolution will streamline and provide consistency in delivery of City Council approved projects that are funded with State and Federal-Aid funds. Prior to the signing of the ROWC, the City Council must approve the funding. The resolution does not authorize City staff to proceed with formal right of way activities without prior City Council authorization.

Fiscal Impact

There is no fiscal impact related to adoption of the resolution.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO
AUTHORIZING THE CITY ENGINEER, AND IN THE ABSENCE OF THE CITY
ENGINEER, THE CITY MANAGER OR THE DIRECTOR OF COMMUNITY
DEVELOPMENT, TO EXECUTE RIGHT OF WAY CERTIFICATIONS FOR STATE
AND FEDERAL-AID TRANSPORTATION PROJECTS**

WHEREAS, the City of East Palo Alto is the recipient of State and Federal-Aid grants for the design and construction of local transportation projects; and

WHEREAS, the State of California Department of Transportation (CALTRANS) requires, as part of the project approval process, the execution of a Right-of-Way Certification prior to releasing funds; and

WHEREAS, authorizing the City Engineer to execute these certifications each time will streamline and provide consistency in project delivery; and

WHEREAS, authorizing the City Manager or the Director of Community Development to execute these certifications if the City Engineer is not available will also streamline project delivery;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO THAT the City Engineer is authorized to execute Right-of-Way Certifications for State and Federal-Aid transportation projects; and in the absence of the City Engineer, the City Manager or the Director of Public Community Development is authorized to execute these Right-of-Way Certifications for State and Federal-Aid transportation projects.

PASSED AND ADOPTED this 2nd day of April 2013, by the following vote:

AYES:

NAES:

ABSENT:

ABSTAIN:

SIGNED:

Ruben Abrica, Mayor

ATTEST:

APPROVED AS TO FORM:

Nora Pimentel, Deputy City Clerk

Valerie J. Armento, Interim City Attorney



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City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the City Council
Via: Edmund Suen, Acting City Manager
From: John Doughty, Community Development Director
Valerie J. Armento, Interim City Attorney
Subject: Adoption of Reusable Bag Ordinance

Recommendation

Waive Second Reading and Adopt an Ordinance adding Chapter 17.05 to the East Palo Alto Municipal Code, regarding Reusable Bags.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority #2: Enhance Economic Vitality
- Priority #6: Create a Healthy and Safe Community

Background

On March 5, 2013, the City Council directed staff to return with an Ordinance limiting single-use bags in the City limits. The Council further directed that the draft ordinance be similar to the San Mateo County Reusable Bag Ordinance (Model Ordinance). The City Council requested that staff and the County begin to formulate an outreach program with focus on local small businesses and public awareness of the upcoming ordinance.

On March 19, 2013, the City Council held a public hearing and introduced an ordinance regulating single-use bags, directing staff to return on April 2, 2013 for adoption. The City Council approved Resolution 4385 formally finding that the draft ordinance is consistent with the model ordinance contemplated and evaluated in the FEIR, which was certified pursuant to the California Environmental Quality Act (CEQA) by the San Mateo County Board of Supervisors on October 23, 2012. The project (introduction and adoption of a Reusable Bag Ordinance) is consistent with the project analyzed and certified by the County and that no additional environmental review is necessary.

Analysis

The principal purpose of a reusable bag ordinance is to reduce litter within the City as well as the local waterways that deposit into the San Francisco Bay. Presently, the City is eligible for a twelve percent credit for mandated litter reduction from the Regional Water Quality Control Board for simply adopting and enforcing the ordinance. A secondary benefit of the ordinance is to reflect a commitment to more sustainable use of resources through encouraging reusable shopping bags.

Efforts such as product bans are low-cost, offer direct litter reduction impact and have the added benefit of drawing attention to litter issues, which will encourage voluntary litter reduction efforts by the public.

The proposed ordinance regulates single-use bags, consistent with the San Mateo County Ordinance, as follows:

- 1) Single-use, recycled-content paper bags would continue to be permitted; however, starting on October 2, 2013, an initial \$.10 per bag charge would be charged for each bag with an implementation date of October 2, 2013 (consistent with San Mateo County ordinance). This fee would rise to \$.25 per bag on January 1, 2015. While there is no specific requirement, staff would encourage that any paper bag revenue might be used to assist customers in obtaining reusable bags. In fact, this provides a unique marketing opportunity for small businesses in the community. The fee is also anticipated to serve as a deterrent for choice by customers; and
- 2) Purchases made through Women Infant Children (WIC), Electronic Bank Transfers (EBT), Supplemental Food, CalFresh programs are exempt from single use bag purchase fee; and
- 3) Non-profit retailers and restaurants/establishments receiving ninety percent or more of revenue from the sale of prepared food to be eaten on, or off, premises are exempt from the ordinance entirely.

Outreach and Education

City staff has initiated work on an outreach program with the County of San Mateo focused on providing outreach to local retailers and public education. Each local business in East Palo Alto has been contacted and expressed their awareness of the upcoming Reusable Bag Ordinance. A majority of local businesses indicated awareness of the imminent San Mateo County Ordinance. The following materials, created by San Mateo County staff, will be provided directly to affected small businesses in East Palo Alto:

- Retailer Fact Sheets
- Retailer Posters
- Retailer Register Tent Cards
- Suppliers of Retailer Paper Bags
- List of locations to donate over-stock of single-use plastic bags
- Distribute reusable bags, as available

An Earth Day event, scheduled for April 20, 2013 is being coordinated between staff, local non-profits, retailers and residents, in an effort educate the East Palo Alto public about reusable bag options. Further citywide events, include: National Rivers Cleanup Day on May 19th, the City's 30th Anniversary on June 29th, and Coastal Cleanup Day on September 21st, will be utilized to further inform the public about the upcoming ordinance, should it be adopted.

City staff will assume additional direct outreach to retailers and residents up to the effective date of October 2, 2013, including reaching out to local churches, non-profits, and other community organizations. Staff anticipates providing similar outreach beyond the effective date, but to a lesser extent.

Fiscal Impact

The financial impact to the City of adoption and implementation of the East Palo Alto Reusable Bag Ordinance is minimal. The County of San Mateo has committed resources to assist in the initial outreach effort. Additional City staff outreach will be included under the current and anticipated budget for National Pollutant Discharge Elimination System compliance. The ordinance, in the short term, will significantly reduce the need to develop other, more costly, solutions to reduce litter.

Attachments

1. Ordinance

ORDINANCE NO.

**ORDINANCE OF THE CITY COUNCIL OF CITY OF EAST
PALO ALTO ADDING CHAPTER 17.05 TO THE MUNICIPAL
CODE REGARDING REUSABLE BAGS**

SECTION 1. MUNICIPAL CODE AMENDMENT. Chapter 17.05 "Reusable Bags" is hereby added to the East Palo Alto Municipal Code to read as follows:

Chapter 17.05 Reusable Bags

- 17.05.010 Findings and Purpose**
- 17.05.020 Definitions**
- 17.05.030 Single-use Carry-out Bag**
- 17.05.040 Recordkeeping and Inspection**
- 17.05.050 Administrative Fine**
- 17.05.060 Severability**
- 17.05.070 Enforcement**

17.05.010 Findings and Purpose

The City Council finds and determines that:

- A. The use of single-use carryout bags by consumers at retail establishments is detrimental to the environment, public health and welfare.
- B. The manufacture and distribution of single-use carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions.
- C. Single-use carryout bags contribute to environmental problems, including litter in storm drains, creeks, the bay and the ocean.
- D. Single-use carryout bags provided by retail establishments impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public nuisance. This City Council does, accordingly, find and declare that it should restrict the use of single-use carryout bags.

17.05.020 Definitions

- A. "Customer" means any person obtaining goods from a retail establishment.
- B. "Garment Bag" means a travel bag made of pliable, durable material with or without a handle, designed to hang straight or fold double and used to carry suits, dresses, coats, or the like without crushing or wrinkling the same.
- C. "Nonprofit charitable reuser" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent of its revenues from the handling and sale of those donated goods or materials.
- D. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- E. "Prepared food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. "Prepared food" does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.
- F. "Public eating establishment" means a restaurant, take-out food establishment, or any other business that receives ninety percent or more of its revenue from the sale of prepared food to be eaten on or off its premises.

- G. "Recycled paper bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent post-consumer recycled content; is one hundred percent recyclable; and has printed in a highly visible manner on the outside of the bag the words "Reusable" and "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.
- H. "Retail establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the City of East Palo Alto. "Retail establishment" does not include public eating establishments or nonprofit charitable reusers.
- I. "Reusable bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse. A garment bag may meet the *above* criteria regardless of whether it has handles or not.
- J. "Single-use carry-out bag" means a bag other than a reusable bag provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of the establishment. "Single-use carry-out bags" do not include bags without handles provided to the customer: (1) to transport prepared food, produce, bulk food or meat from a department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag

17.05.030 Single-use carry-out bag

- A. No retail establishment shall provide a single-use carry-out bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this section.
- B. On or before December 31, 2014 a retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of ten cents.
- C. On or after January 1, 2015 a retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of twenty-five cents.

- D. Notwithstanding this section, no retail establishment may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized on the sale receipt.
- E. A retail establishment may provide one or more recycled paper bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code; and a customer participating in CalFresh pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code.

17.05.040 Recordkeeping and Inspection

Every retail establishment shall keep complete and accurate record or documents of the purchase and sale of any recycled paper bag or reusable bag by the retail establishment, for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the City of East Palo Alto or San Mateo County Environmental Health Division during regular business hours by any City or San Mateo County Environmental Health Division employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the City or San Mateo County Environmental Health Division shall be a violation of this Chapter.

17.05.050 Administrative fine

- A. Grounds for Fine. A fine may be imposed upon findings made by the Director of the San Mateo County Environmental Health Division, or his or her designee, that any retail establishment has provided a single-use carry-out bag to a customer in violation of this Chapter.
- B. Amount of Fine. Upon findings made under subsection (a), the retail establishment shall be subject to an administrative fine as follows:
 - (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
 - (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation;
 - (3) A fine not exceeding five hundred dollars (\$500) for the third and subsequent violations;

(4) Each day that a retail establishment has provided single-use carry-out bags to a customer constitutes a separate violation.

- C. Fine Procedures. Notice of the fine shall be served on the retail establishment. The notice shall contain an advisement of the right to request a hearing before the Director of the San Mateo County Environmental Health Division or his or her designee contesting the imposition of the fine. The grounds for the contest shall be that the retail establishment did not provide a single-use carry-out bag to any customer. Said hearing must be requested within ten days of the date appearing on the notice of the fine. The decision of the Director of the San Mateo County Environmental Health Division shall be based upon a finding that the above listed ground for a contest has been met and shall be a final administrative order, with no administrative right of appeal.
- D. Failure to Pay Fine. If said fine is not paid within 30 days from the date appearing on the notice of the fine or of the notice of determination of the Director of the San Mateo County Environmental Health Division or his or her designee after the hearing, the fine shall be referred to a collection agency.

17.05.060 Severability

If any provision of this Chapter or the application of such provision to any person or in any circumstances shall be held invalid, the remainder of this Chapter, or the application of such provision to person or in circumstances other than those as to which it is held invalid, shall not be affected thereby.

17.05.070 Enforcement

- A. The San Mateo County Environmental Health Division is hereby authorized and directed to enforce the provisions of this Chapter within the geographical limits of the City of East Palo Alto.
- B. The authorization granted by subsection (A) of this section, includes, without limitation, the authority to hold hearings and issue administrative fines for violations of this Chapter within the geographical limits of the City of East Palo Alto.
- C. Enforcement will begin effective October 2, 2013.

SECTION 2. SEVERABILITY. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, it is the intent of the City Council that such invalid provision be severed from the remaining provisions of the ordinance.

SECTION 3. CEQA REVIEW. On March 19, 2013 the City Council adopted Resolution 4385 making the required CEQA findings.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days from the passage date thereof.

SECTION 5. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law

Introduced at a regular City Council meeting held March 19, 2013 and adopted at a regular Council Meeting held on April 2, 2013, by the following vote

AYES:
NOES:
ABSTENTIONS;
ABSENT:

SIGNED:

ATTEST:

Ruben Abrica, Mayor

Nora Pimentel, Deputy City Clerk

APPROVED AS TO FORM:

Valerie J. Armento, Interim City Attorney



CITY OF EAST PALO ALTO
OFFICE OF THE CITY MANAGER
2415 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303

Consent Calendar
Item: #16

City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the City Council
Via: Edmund Suen, Acting City Manager
From: Valerie J. Armento, Interim City Attorney
John Doughty, Community Development Director
Subject: Continuation of Local Emergency

Recommendation

Adopt a Resolution continuing the Local Emergency declared on January 2, 2013.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority #1: Enhance public safety and emergency preparedness
- Priority #6: Create a healthy and safe community

Background

On Sunday evening December 23, 2012, unusually heavy rainfall occurring within the San Francisquito Creek basin caused the creek to overtop the levee in East Palo Alto near Daphne Way and Verbena Streets, as well as in the University and Woodland areas of the City, west of Highway 101. The overtopping of the levee was followed by minor seepage and the appearance of boils in the levee near Daphne Way. The City received mutual aid assistance from the County and the State to help bolster the condition of the levees, and place “chimneys” around three boils in the levee.

The goal of the emergency response work was to maintain the integrity of the levee and ensure sufficient height to prevent future flooding. However, these measures constituted only a temporary fix to address the immediate flooding problem.

Following the initial flooding event, City staff, along with representatives from the County and the State, have assessed the integrity of the levees and have discovered additional and significant damage to the levee and creek banks. Additionally, flooding occurring in the Woodland Avenue/University Avenue area damaged both public and private property, including a City street and the bridge abutments for University Avenue.

Staff identified twelve crucial "Project Areas" requiring immediate work to protect East Palo Alto from flooding resulting from damage occurring during the December 23rd-24th storm event, including: structural undermining of the University Avenue bridge abutment requiring slurry fill work to repair damage; escarpments threatening slope failures to the levee and creek bank, fallen trees undermining the integrity of the City street at Woodland Avenue, and the levee in the Daphne Way area; and erosion to the subsurface of the City's O'Connor Street Pump Station outfall, compromising the integrity of that structure.

Analysis

On January 2, 2013, the City Manager, acting as the Director of Emergency Services of the City of East Palo Alto, proclaimed the existence of a local emergency and forwarded the proclamation to the Governor of California with the request that he declare the City of East Palo Alto to be in a state of emergency. On January 3, 2013, the Council ratified the Proclamation of a Local Emergency.

Once a local emergency is proclaimed, California Government Code section 8630(c) requires the Council to review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency. The City Council reviewed the need for continuing the local emergency on February 5, 2013 and again on March 5, 2013.

The conditions leading to the Proclamation of a Local Emergency are continuing. City staff continues to attempt to address the need for emergency work to protect the integrity of the roadways, levees, and City property. Critical to this effort has been the stabilization of the San Francisquito Creek bank and Woodland Avenue and notably "Site 5," identified in the Proclamation of Local Emergency as the area of slope failure on the creek bank opposite from 1651 Woodland.

With respect to Site 5, the City's engineering consultant, KCG, completed a report with preliminary design options for the stabilization of the creek bank on January 22, 2013. Geotechnical work was completed on January 24, 2013, and survey work was completed on January 30, 2013. After review and preliminary approval by the Army Corps of Engineers, KCG completed the final design. The construction drawings and specifications were issued to a select list of contractors on February 27, 2013.

On March 5, 2013, the City Council authorized the City Manager to award a construction contract to the lowest responsible and responsive bidder, and to establish a construction contingency of 15% of the bid amount for unforeseen or changed conditions arising during construction. The City awarded a construction contract to Engineered Soil Repairs, Inc. on March 12, 2013 in the amount of \$129,319.15. The contractor is set to begin construction on April 1, 2013. Road

closure and detour notices have been provided to local affected residences along Woodland Avenue. All work is anticipated to be completed by April 30, 2013.

KCG has also been requested to prepare a risk assessment and recommended improvements for the City's levee in the vicinity of Verbena Drive and East Bayshore Road (designated as "Sites 7-9"). The report is scheduled to be provided to the City Council on April 16, 2013.

Staff is currently reviewing a scope of work provided by KCG to assess and prepare repair options Woodland Avenue and the escarpment (soil erosion and slipping) designated as "Site 1".

Due to the ongoing nature of this investigation and the implementation of flood control measures, City staff recommends continuing the Local Emergency.

Fiscal Impact

The Initial Damage Estimate for City costs for emergency protective measures, damage to City facilities, and clean-up related to the flooding event of December 23rd-24th is \$2,627,000, which may be revised in light of the additional engineering study of levee and creek damage.

Given the high cost of immediate damage and necessary flood control measures, the City requested a disaster proclamation and concurrence from the Secretary of the California Emergency Management Agency and financial assistance through the California Disaster Assistance Act Program. On March 1, 2013, Governor Jerry Brown declared a state of emergency in San Mateo County. The City's funding request is still pending.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EAST PALO ALTO CONTINUING THE LOCAL EMERGENCY
PROCLAIMED ON JANUARY 2, 2013**

WHEREAS, on or about December 23rd, 2012, conditions of extreme peril to the safety of persons and property occurred within this City caused by flooding in San Francisquito Creek; and

WHEREAS, the Director of Emergency Services of the City of East Palo Alto did proclaim the existence of a local emergency within the City on January 2, 2013; and

WHEREAS, the City Council found that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency, and ratified the proclamation of local emergency on January 3, 2013; and

WHEREAS, a copy of the proclamation was forwarded to the Governor of California with the request that he proclaim the City of East Palo Alto to be in a state of emergency; and

WHEREAS, given the high cost of immediate damage and necessary flood control measures, the City has requested a disaster proclamation and concurrence from the Secretary of the California Emergency Management Agency and financial assistance through the California Disaster Assistance Act Program; and

WHEREAS, Government Code section 8630(c) requires that the City Council review the need for continuing the local emergency at least once every thirty days until the Council terminates the local emergency; and

WHEREAS, the City Council considered this matter on January 15, 2013 and determined that conditions warrant and necessitate the continuation of the existence of a local emergency; and

WHEREAS, the City Council considered this matter on February 5, 2013 and determined that conditions warrant and necessitate the continuation of the existence of a local emergency; and

WHEREAS, the City Council considered this matter on March 5, 2013 and determined that conditions warrant and necessitate the continuation of the existence of a local emergency; and

WHEREAS, the conditions of extreme peril to the safety of persons and property within this City caused by flooding in San Francisquito Creek are of an ongoing nature and warrant and necessitate the continuation of the existence of a local emergency which should not be terminated at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO AS FOLLOWS:

1. The City Council has reviewed the need for continuing the local emergency and finds based on substantial evidence that the public interest and necessity require the continuance of the local emergency. The Local Emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council. Until said termination, the City Council shall review, at regularly scheduled Council meetings, the need for continuing the local emergency.
2. This Resolution shall be effective upon its adoption.

PASSED AND ADOPTED this 2nd day of April, 2013, by the following vote:

AYES:
NAES:
ABSENT:
ABSTAIN:

SIGNED:

Ruben Abrica, Mayor

ATTEST:

APPROVED AS TO FORM:

Nora Pimentel, Deputy City Clerk

Valerie J. Armento, Interim City Attorney



CITY OF EAST PALO ALTO
OFFICE OF THE CITY MANAGER
2415 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303

Public Hearing
Item: #22

City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the City Council
Via: Edmund Suen, Acting City Manager
From: John Doughty, Community Development Director
Subject: Amendment to the Urban Water Management Plan

Recommendation

Adopt a resolution approving the First Amendment to the 2010 Urban Water Management Plan.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority #3: Increase Organizational Effectiveness and Efficiency
- Priority #4: Improve Public Facilities and Infrastructure

Background

The City of East Palo Alto Municipal Water System serves approximately 4,200 customers or nearly 95-percent of water customers within the City. The City's managed water service area receives all of its potable water from the San Francisco Public Utilities Commission (SFPUC) Hetch Hetchy system. The City's per capita water use is approximately 79 gallons per day based on the water usage and population estimates over the last 10 years.

In 1983 the Urban Water Management Planning Act (the Act) became law in the State of California. Under the Act, California water agencies with more than 3,000 connections (separately metered customers) are required to prepare an Urban Water Management Plan (UWMP) every five years, describing existing supplies, planned supplies, projected demands and drought contingency plans at least 20 years into the future. The Act requires that UWMPs describe the suppliers' service area, water use by customer class, water supply and demand, water

service reliability and shortage response options, water transfer and exchange opportunities, water recycling efforts, and conservation measures. A municipal urban water supplier's UWMP is to be adopted by City Council resolution and submitted to the California Department of Water Resources (DWR) within thirty (30) days of adoption.

Subsequent amendments to the Act have occurred, including adoption of the Water Conservation Act in 2009 (SBx7-7), requiring water providers reduce the average per capita daily consumption use statewide by 10% by 2015 and 20% by 2020. State law requires a retail agency to develop a 2020 water use target, 20% percent reduction, and a 2015 interim water use target, 10% reduction.

State law provides four compliance methods that may be used to meet the 20 percent reduction. These include:

- Method 1: Eighty percent of the water supplier's baseline per capita water use;
- Method 2: Per capita daily water use estimated using the sum of performance standards applied to indoor residential use, landscaped area water use, and CII uses;
- Method 3: Ninety-five percent of the applicable state hydrologic region target as stated in the State's March, 2011, *Guidebook to Assist Urban Water Suppliers to Prepare a 2010 Urban Water Management Plan*; and
- Method 4: Savings by Water Sector. This method identifies water savings obtained through identified practices and subtracts them from the base daily per capita water use value identified for the water supplier.

On May 25, 2011, the City Council adopted the 2010 City of East Palo Alto UWMP. Under this UWMP, the City chose Method 3 for determining the water use target for the City. Based on Method 3, the City is required to reduce its water use to 124 gallons per capita per day. The City already meets this requirement and is not required to implement a water use reduction plan.

Analysis

As a requirement to be eligible for State Water Fund Grants, including Proposition 1E Stormwater Flood Management Grant, the City must have an UWMP in form acceptable to by DWR. Additionally, DWR is mandated to conduct an audit of all mandated water documents, including the UWMP, for any agency applying for State Water Fund Grants. Agencies lacking proper mandated documents are ineligible for State Water funds under State Law. In the process of conducting a preliminary check of State Mandated documents as part of our application for State Water Funds to support the Runnymede Storm Drain Phase II project, DWR had identified several issues with the UWMP. On March 1, 2013, Staff was contacted by the consultant who prepared the 2010 UWMP, Integrated Resources Management (IRM) about potential revisions. DWR requested the UWMP be amended to conform with State-mandated UWMP requirements.

The requested amendments to the UWMP include more detailed analysis of the cost effectiveness of implementing some of the Demand Management Methods (DMMs) identified in the 2010 UWMP. Many of the DMMs were determined not to be cost effective with a benefit to cost ratio (B:C) of less than 1. However, two DMMs have a B:C of greater than 1, which the City will need to implement, monitor and report on. These DMMs are: DMM C - System Water Audits, Leak Detection and Repair, and DMM E - Large Landscape Conservation Programs and Incentives. Additionally, a lack of available information made it impossible to effectively estimate a benefit: cost ratio for DMM F - High-Efficiency Washing Machine Rebate Program. This program will have to be implemented and monitored to evaluate effectiveness. Previously the City Public Works Director had been designated as the Conservation Coordinator for the City. However, with the department reorganization there is no longer a Public Works Director position. Therefore, the conservation coordinator role is no longer accurately designated in the UWMP. The amendment to the UWMP designates the City Engineer as Conservation Coordinator under DMM L - Conservation Coordinator. Finally, while the City has regulations regarding water waste prohibition, monitoring and enforcement do not regularly occur and insufficient data has been gathered to report to the State on the effectiveness of DMM M - Water Waste Prohibition. The City will need prospectively, to undertake more regular monitoring and enforcement of these regulations as part of the UWMP, as funding becomes available. In addition to implementing the DMMs, a monitoring program will need to be implemented to evaluate the effectiveness of the City's conservation measures and estimate their conservation savings by dividing annual water demand by total number of service connections.

These amendments to the UWMP represent a more detailed analysis of the Mandated DMMs for implementation by the City. Some of the DMMs previously required under the 2010 UWMP have been determined to not be cost effective and are therefore not required to be implemented by the City. The remaining DMMs, and related monitoring and enforcement, were existing requirements under the 2010 UWMP for which DWR requested more detailed analysis or clarification. Simply stated, the First Amendment to the 2010 UWMP represents clarifications to already existing requirements.

Fiscal Impact

There is no additional fiscal impact to the City's General Fund to adopting the First Amendment to 2010 UWMP as the amendment serves to clarify existing requirements. Adoption of the amendments to the UWMP will also serve to maintain City eligibility for the Proposition 1E Stormwater Flood Management Grant Round for which the City is requesting in excess of \$600,000.

Attachments

1. Exhibit "A", proposed revisions

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO
APPROVING THE FIRST AMENDMENT TO THE 2010 URBAN WATER
MANAGEMENT PLAN (UWMP)**

WHEREAS, on May 25, 2011, the City approved the 2010 UWMP for the City of East Palo Alto; and

WHEREAS, as a requirement to be eligible for State Water Fund Grants, including Proposition 1E Stormwater Flood Management Grant, the City must have an UWMP accepted by DWR; and

WHEREAS, under State Law, DWR is mandated to conduct an audit of all mandated Water documents, including the UWMP, for any agency applying for State Water Fund grants or loans; and

WHEREAS, agencies lacking proper mandated documents are ineligible for State Water funds under State Law; and

WHEREAS, upon preliminary review, DWR requested the UWMP be amended to conform with State mandated UWMP requirements; and

WHEREAS, the requested amendments to the UWMP include more detailed analysis of the cost effectiveness of implementing some of the demand management measures (DMMs) identified in the 2010 UWMP; and

WHEREAS, the amendments designated the City Engineer as responsible for the role of Conservation Coordinator under DMM L; and

WHEREAS, the City will need to undertake more regular monitoring and enforcement of Water Waste regulations identified under DMM M as part of the UWMP, as funding becomes available; and

WHEREAS, a monitoring program will need to be implemented to evaluate the effectiveness of the City's conservation measures and estimate their conservation savings by dividing annual water demand by total number of service connections; and

WHEREAS, adoption of the 2013 amendments to the UWMP would aid in maintaining eligibility for the Proposition 1E Stormwater Flood Management Grant Round 2 for which the City applied;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Palo Alto hereby adopts the First Amendment to the 2010 Urban Water Management Plan as contained in Exhibit "A" to this resolution.

PASSED AND ADOPTED this 2nd day of April 2012, by the following vote:

AYES:
NAES:
ABSENT:
ABSTAIN:

SIGNED:

Ruben Abrica, Mayor

ATTEST:

APPROVED AS TO FORM:

Nora Pimentel, Deputy City Clerk

Valerie J. Armento, Interim City Attorney

EXHIBIT “A”

PROPOSED REVISIONS TO THE 2010 UWMP



CITY OF EAST PALO ALTO
OFFICE OF THE CITY MANAGER
2415 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303

City Council Agenda Report

Date: April 2, 2013
To: Honorable Mayor and Members of the City Council
Via: Edmund Suen, Acting City Manager
From: John Doughty, Community Development Director
Subject: Solid Waste Collection Rate Increases for Fiscal Year 2013-2014

Recommendation

Adopt a resolution authorizing the City Clerk to proceed with issuing Public Notice of a proposed increase to residential and commercial solid waste collection services rates for Fiscal Year (FY) 2013-2014 consistent with Proposition 218 procedures; and establishing a City policy regarding the protest procedure, "Guidelines for the Submission and Tabulation of Protests" (Exhibit A).

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority #5: Improve communication and enhance community engagement
- Priority #6: Create a healthy and safe community

Background

The City of East Palo Alto is a member of the South Bayside Waste Management Authority (SBWMA), a Joint Powers Authority (JPA), also known as ReThink Waste. The Community Development Director currently serves as Chair of the Board of Directors which governs the JPA and oversees the Executive Director and the budget of the JPA. SBWMA oversees operations of the Shoreway Facility in San Carlos, manages transport of materials and assists member agencies with administration of their individual franchise agreements.

Recology provides solid waste collection services, including refuse, recyclable materials and compostable (green waste) materials under a ten-year franchise agreement with the City. On October 6, 2009, the City Council adopted Resolution No. 2978, approving and authorizing the City Manager to execute the Franchise Agreement with Recology, based on Recology's 2008

services and fee proposal to SBWMA. Recology’s fee schedule was adjusted in 2010 with the approval of the SBWMA Board of Directors pursuant to the master franchise agreement. On July 10, 2010, the East Palo Alto City Council adopted the current rate schedule for solid waste collection services which took effect on July 1, 2010.

The master agreement between Recology and SBWMA provided for a one additional adjustment of Recology’s rate schedule. On September 1, 2012, the SBWMA issued its report on Recology’s compensation application and proposed a 2013 Rate Approval Schedule and Member Agency Rate Setting Process. Per the Member Agency Franchise Agreements with Recology, the company included in its application the (second and final) service level cost adjustment to account for changes in accounts for residential service, lifts for commercial service, and pulls for roll-off service that have occurred since the adjustment made in 2010. Proposed rate increases were reviewed and discussed by all JPA Member Agencies, and on September 27, 2012, the SBWMA Board of Directors approved the 2013 Rate Schedule.

Recology’s rates are strictly limited, and may not exceed a maximum rate that is based on a formula provided in the franchise agreement. The proposed rate increase is related to increases in Recology’s costs such as fuel, disposal fees and employee wages, per the franchise agreement.

Analysis

Current information and projections prepared by SBWMA for its member agencies indicate that the City of East Palo Alto’s solid waste collection rates need to be increased to cover the actual costs of collection services. Staff recommends that the City initiate a 2.4% increase for both residential and commercial rates for FY 2013-2014. In addition, staff recommends increasing the Franchise Fee charged residential customers be increased from 2.5% to 5%, for an overall residential rate increase of 4.64% (Option B). Staff does not recommend any change to the Franchise Fee charged to commercial customers, which is currently 15.5%. Staff’s recommendation for rates is summarized below:

RESIDENTIAL			
	Current Monthly Rate	Proposed FY 13-14	
Residential Rate Option A			
96 Gallon	\$ 39.81	\$ 40.77	
Residential Rate Option B			
96 Gallon	\$ 39.81	\$ 41.66	
COMMERCIAL			
1 YD Bin x 1 Week	\$ 211.10	\$ 216.17	
2 YD Bin x 1 Week	\$ 400.57	\$ 410.18	
3 YD Bin x 1 Week	\$ 446.01	\$ 456.71	
1 YD Bin x 2 Week	\$ 347.08	\$ 355.41	
2 YD Bin x 2 Week	\$ 666.61	\$ 682.61	
3 YD Bin x 2 Week	\$ 770.62	\$ 789.11	

In future years, Recology's solid waste collection rate increases will be indexed to the Consumer Price Index (CPI). In addition to CPI rate adjustments, there may be other costs and/or fees the City Council would want to consider. With the indexing of adjustments, future rate increases are likely to remain reasonably low, and East Palo Alto's collection rates are lower when compared to other JPA member agencies, as shown in Attachment 2 "SBWMA Member Agency 2013 Residential Rates". Staff anticipates returning to the City Council to study solid waste collection rates in the first quarter of 2014 in order to prepare for budget discussions for FY 2014-2015.

Public Notice and Outreach

Many public agencies follow the procedural requirements of Proposition 218, the "Right to Vote on Taxes Act", when increasing solid waste collection rates, though there is some legal uncertainty regarding whether these charges are truly property-related charges strictly subject to the requirements of Proposition 218.

Pursuant to the procedural requirements of Proposition 218, the public notice entails:

- Mailing notification of the proposed rate increase to affected property owners; and,
- Holding a public hearing at which written protests can be considered. If a majority of affected property owners and/or ratepayers protest the proposed increase, the City cannot impose the increase. The draft Public Notice to be mailed to all East Palo Alto residential and commercial solid waste customers is attached to this report (Attachment 1).

The proposed Public Hearing date is Tuesday, May 21, 2013, at the regularly scheduled City Council meeting. The public hearing notice will be sent via first-class mail. It will be issued in both English and Spanish. No action on the proposed rate increase will occur until the public hearing.

Each property owner/customer will have a forty-five (45) day period to submit any protest to the imposed rate increase for solid waste collection services, in writing. At the end of the 45-day period, written protests will be tallied and presented at the public hearing. A majority protest exists if written protests are timely submitted and not withdrawn by customers with respect to a majority (50.0% plus one) of the parcels subject to the proposed fee.

It is recommended that the City Council provide direction on the proposed rate increases (Option A or B for residential customers) and authorize the City Clerk to proceed with issuing the Public Notices, following Proposition 218 procedural requirements, to all East Palo Alto property owners and commercial customers, of the proposed rate increase for solid waste collection services. In order to describe an orderly notice and protest process, staff recommends that the City Council adopt and establish the attached policy guidelines for the submission and tabulation of protests (Exhibit A).

Fiscal Impact

Solid waste collection services are budgeted and paid for from a restricted fund with revenue derived from the rates paid by property owners and customers in accordance with the Franchise Agreement.

Attachments

1. Draft Public Notice
2. SBWMA Member Agency 2013 Residential Rates

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO AUTHORIZING THE CITY CLERK TO PROCEED WITH ISSUING PUBLIC NOTICE OF A PROPOSED INCREASE TO RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES RATES FOR FISCAL YEAR (FY) 2013-2014 CONSISTENT WITH PROPOSITION 218 PROCEDURES; AND ESTABLISHING A CITY POLICY REGARDING THE PROTEST PROCEDURE, “GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS” (EXHIBIT A)

WHEREAS, the City of East Palo Alto is a member of the South Bayside Waste Management Authority (SBWMA), a Joint Powers Authority (JPA); and

WHEREAS, Recology provides solid waste collection services under a ten-year franchise agreement with the City; and

WHEREAS, Recology’s fee schedule was adjusted in 2010 with the approval of the SBWMA Board of Directors, and on July 10, 2010, the East Palo Alto City Council adopted the current rate schedule for solid waste collection services which took effect on July 1, 2010; and

WHEREAS, on September 1, 2012, the SBWMA issued its report on Recology’s compensation application and proposed a 2013 Rate Approval Schedule and Member Agency Rate Setting Process; and

WHEREAS, per the Member Agency Franchise Agreements with Recology, the company included in its application the (second and final) service level cost adjustment to account for changes in accounts for residential service, lifts for commercial service, and pulls for roll-off service that have occurred since the adjustment made in 2010; and

WHEREAS, proposed rate increases were reviewed and discussed by all JPA Member Agencies, and on September 27, 2012, the SBWMA Board of Directors approved the 2013 Rate Schedule; and

WHEREAS, current information and projections prepared by SBWMA for its member agencies indicate that the City of East Palo Alto’s solid waste collection rates need to be increased in order to cover the actual costs of collection services; and

WHEREAS, the City will issue a public notice and hold a hearing regarding increased rates for residential and commercial solid waste collection services in accordance with the provisions of Government Code section 53755 and Article XII D, section 6 of the California Constitution (Proposition 218), prior to final action on the proposed increase by the City Council; and

WHEREAS, the process entails mailing notification of the proposed maximum rate increase(s) to affected property owners and ratepayers, and holding a public hearing at which written protests can be considered; and

WHEREAS, the City Council plans to consider these rate increases at a Public Hearing on May 21, 2013, at the regularly scheduled City Council meeting; and

WHEREAS, the City Council wishes to establish procedural guidelines for the submission and tabulation of protests, attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY authorizes the City Clerk to issue Public Notice of a proposed increase to residential and commercial solid waste collection services rates for Fiscal Year 2013-2014; and adopts the “Guidelines for the Submission and Tabulation of Protests”, attached hereto as Exhibit A, pursuant to Government Code section 53755 and Article XII D, section 6 of the California Constitution.

PASSED AND ADOPTED this 2nd day of April 2013, by the following vote:

AYES:

NAES:

ABSENT:

ABSTAIN:

SIGNED:

Ruben Abrica, Mayor

ATTEST:

APPROVED AS TO FORM:

Nora Pimentel, Deputy City Clerk

Valerie J. Armento, Interim City Attorney

Exhibit A

Guidelines for the Submission and Tabulation of Protests

When notice of a public hearing with respect to a service rate increase, such as for water or solid waste collection service, has been given by the City pursuant to Article XIID, Section 6 of the California Constitution, the following shall apply:

Submission of Protests

1. Any property owner or customer/ratepayer may submit a written protest to the City Clerk, either by mail or delivery to EPA Government Center, 2415 University Avenue, East Palo Alto, CA 94303-1164 or by submitting the protest at the public hearing. Protests must be received by the end of the public hearing. No postmarks will be accepted.
2. Each protest must be in writing and must state that it is a protest (or indicate opposition to the proposed rates) and include the following information: (i) the name of the owner or customer/ratepayer submitting the record, (ii) the street address or assessor's parcel number of the parcel (or service location) for which the protest is submitted, and (iii) the signature of the person submitting the protest.
3. Email or facsimile protests cannot be accepted. Although the City Council welcomes input from the community during the public hearing on the proposed fees, oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest.
4. If a parcel receiving service is owned by more than one record owner; if more than one name appears on the City's records as the customer/ratepayer for the parcel; or if the customer/ratepayer is not the record owner, any owner or customer/ratepayer may submit a protest, but only one protest will be counted per parcel and any one protest submitted in accordance with these rules will be sufficient to count as a protest for that parcel.
5. A protest by a property owner that is a trust must be signed by the Trustee and identified as such with the signature (i.e., John Smith, Trustee for Smith Family Trust). Protests by property owners that are corporations, partnerships, or similar entities must be signed by a person authorized to execute documents on behalf of the property owner. A property owner that is not shown on the last equalized assessment roll for a parcel must accompany the protest with evidence of ownership.
6. Any person who submits a protest may withdraw it by submitting to the City Clerk a dated written request that the protest be withdrawn. The withdrawal of a protest must contain sufficient information to identify the affected parcel and the name of the record owner or record customer/ratepayer who submitted both the protest and the request that it be withdrawn.
7. **A fee protest proceeding is not an election.**
8. To ensure transparency and accountability in the fee protest tabulation, protests shall constitute disclosable public records from and after the time when they are opened by the City at the public hearing. Protests will be retained by the City for three years and then may be destroyed.

Tabulation of Protests

1. The City Clerk, or designee, shall determine the validity of all protests. The City Clerk shall not accept as valid any protest if s/he determines that any of the following conditions exist:
 - a. The protest does not identify a parcel that will be subject to the proposed fees.
 - b. The protest does not bear an original signature of a record owner or customer/ratepayer associated with the parcel.
 - c. The protest does not state its opposition to the proposed fees or is illegible.

- d. The protest has been altered in any way by someone other than the person who signed it.
 - e. The protest was not received by the City Clerk before the close of the public hearing on the proposed fees.
 - f. A request to withdraw the protest was received by the City Clerk prior to the close of the public hearing on the proposed fees.
 - g. The protest or request for withdrawal is dated prior to the date of mailing of the notices of hearing on the proposed fees.
2. The City Clerk's decision that a protest is not valid shall constitute a final action of the City and shall not be subject to any internal appeal.
 3. A majority protest exists if written protests are timely submitted and not withdrawn by owners or customers/ratepayers with respect to a majority (50.0% plus one) of the parcels subject to the proposed fee.
 4. A majority protest also exists if written protests are timely submitted and not withdrawn by customers/ratepayers with respect to a majority (50.0% plus one) of the service locations (customer accounts) subject to the proposed fee.
 5. At the conclusion of the public hearing, the City Clerk shall count all protests received, including those received during the public hearing, and shall report the results to the City Council upon completion. If review of the protests received demonstrates that the number received is manifestly less than one-half of the parcels served by the City with respect to the fee which is the subject of the protest, then the City Clerk may advise the Council of the absence of a majority protest without determining the validity of all protests.
 6. If, at the conclusion of the public hearing, the Clerk determines that s/he will require additional time to count the protests, s/he shall so advise the Council, which may adjourn the meeting to allow the count to be completed on another day or days. If so, the Council shall declare the time and place of the count, which shall be conducted in a place where interested members of the public may observe the counting, and the Council shall declare the time at which its meeting shall be resumed to receive and act on the report of the Clerk.

CITY OF EAST PALO ALTO

PROPOSED INCREASE TO RESIDENTIAL AND COMMERCIAL SOLID WASTE
COLLECTION RATES FOR FISCAL YEAR 2013-2014

NOTICE OF PUBLIC HEARING

7:30 p.m.
May 21, 2013
City Council Chambers
2415 University Avenue, East Palo Alto

The City of East Palo Alto is currently reviewing the residential and commercial solid waste collection services rates. At the date, time and place set forth above, the City Council of the City of East Palo Alto will hold a public hearing regarding the proposed rates described in this notice.

Recology San Mateo County provides solid waste collection services, including refuse, recyclable materials and compostable (green waste) materials, under a ten-year franchise agreement with the City of East Palo Alto. The proposed rate increase is related to increases in Recology's costs such as fuel, disposal fees and employee wages. The proposed 2.4 percent increase would apply to both residential and commercial collection rates for Fiscal Year 2013-2014. In addition, Franchise Fees charged residential customers are also proposed to increase from 2.5% to 5%, for an overall residential rate increase of 4.64% (Option B). The proposal is summarized in the table below.

RESIDENTIAL			
	Current Monthly Rate		Proposed FY 13-14
Residential Rate Option A			
96 Gallon	\$ 39.81	\$	40.77
Residential Rate Option B			
96 Gallon	\$ 39.81	\$	41.66
COMMERCIAL			
1 YD Bin x 1 Week	\$ 211.10	\$	216.17
2 YD Bin x 1 Week	\$ 400.57	\$	410.18
3 YD Bin x 1 Week	\$ 446.01	\$	456.71
1 YD Bin x 2 Week	\$ 347.08	\$	355.41
2 YD Bin x 2 Week	\$ 666.61	\$	682.61
3 YD Bin x 2 Week	\$ 770.62	\$	789.11

You are receiving this notice because you are a property owner in the City of East Palo Alto, or a commercial entity doing business in the City. Fees for residential solid waste collection are included on the County of San Mateo's property tax rolls for the City of East Palo. The County collects those fee payments, provides that amount to the City and the City of East Palo Alto pays for solid waste collection services directly to the vendor, Recology San Mateo County.

Commercial customers, including all multi-family residential units, pay for solid waste collection services directly to the vendor, at the rates adopted by the City Council.

You are invited to provide oral or written testimony at the public hearing. You also have the right to file a formal written protest against the proposed increases. A formal protest must be in writing, must be signed by the customer or property owner, must indicate the address, account number or assessor's parcel number for which it is submitted, and must indicate that it is a solid waste collection services rate protest. If the City Council receives protests with respect to a majority of the parcels served by Recology San Mateo County, or receives protests from a majority of customers, then it will not approve the increase. Protests may be mailed or delivered to the City at Solid Waste Collection Services Rates, City Clerk, City of East Palo Alto, 2415 University Avenue, 2nd Floor, East Palo Alto, CA 94303, or may be presented at the hearing. Protests must be received by the close of public comment at the hearing in order to be counted. The City will follow its Procedures for the Acceptance and Tabulation of Written Protests (available at City Hall, 2415 University Avenue, 2nd Floor, East Palo Alto, from the City Clerk's Office) in handling and counting protests.

SBWMA Member Agency 2013 Residential Rates							
Member Agency	2013 Percentage Increase Over 2012 Rates	2013 Residential Rates - Curbside				Effective Date	Notes
		20g cart	32g cart	64g cart	96g cart		
Atherton	No rate adjustment	\$ 27.00	\$ 55.00	\$ 110.00	\$ 164.00	1-Jan-13	
Belmont	13.84% for all rate categories	\$ 19.27	\$ 31.91	\$ 70.32	\$ 113.68	1-Jan-13	
Burlingame	No rate adjustment ¹	\$ 12.90	\$ 23.85	\$ 47.71	\$ 70.80	1-Jan-13	
East Palo Alto	Reviewing options for potential 7/1/13 rate adjustment	N/A	N/A	N/A	\$ 39.81		
Foster City	No rate adjustment ²	\$ 11.82	\$ 18.92	\$ 37.84	\$ 56.76	1-Jan-13	
Hillsborough	No rate adjustment	\$ 42.40	\$ 52.50	\$ 82.40	\$ 117.40	1-Jan-13	Includes \$25.00 flat fee per service address billed on tax roll. Thus rate billed is \$25.00 less.
Menlo Park	No rate adjustment ³	\$ 13.99	\$ 23.40	\$ 55.99	\$ 83.72	1-Jan-13	
Redwood City	3% to be noticed	\$ 11.04	\$ 26.51	\$ 53.02	\$ 79.52	15-Feb-13	Rates shown are 2012 as 2013 rates not approved yet.
San Carlos	9% for 20 gal. + \$2/mo, 9% for 32 gal. + \$1/mo, 8% for 64 gal., 6% for 96 gal. Commercial 12%.	\$ 20.87	\$ 31.18	\$ 62.23	\$ 93.45	1-Jan-13	
City of San Mateo	9.4% 2013 and 3% for 2014 for all rate categories	\$ 13.04	\$ 20.86	\$ 45.90	\$ 70.50	1-Jan-13	Total rate shown (includes Street Sweeping and Landfill Closure)
County of San Mateo (NFO)	6.1% for residents, 2.6% for commercial to be noticed. Rate hearing 2/26/13.		\$ 26.21	\$ 52.42	\$ 78.63	1-Jan-13	32g = 2 carts (or 64 gallons)
County of San Mateo (CFA)	9.1% for all rate categories	\$ 28.15	\$ 33.45	\$ 59.28	\$ 84.21	1-Jan-13	
West Bay Sanitary District	\$2.30 for 20 gal., \$3.60 for 32 gal., \$6.70 for 64 gal., \$9.00 for 96 gal., and Commercial 5%.	\$ 23.30	\$ 37.60	\$ 73.70	\$ 110.09	1-Jan-13	