



# CITY COUNCIL ACTION MINUTES

Special Meeting  
March 01, 2021

The City Council of the City of Palo Alto met on this date in virtual teleconference at 5:01 P.M.

Participating Remotely: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Absent:

## Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS  
City Designated Representatives: City Manager and his designees  
Pursuant to Merit System Rules and Regulations (Ed Shikada, Rumi Portillo, Molly Stump, Dean Batchelor, Geo Blackshire, Robert Jonsen, Nick Raisch, Kiely Nose)  
Employee Organizations: Utilities Management and Professional Association of Palo Alto (UMPAPA); Service Employees International Union, (SEIU) Local 521; Service Employees International Union, (SEIU) Local 521, Hourly Unit; Palo Alto Police Officers Association (PAPOA); Palo Alto Fire Chiefs' Association (FCA) and Employee Organization: International Association of Fire Fighters (IAFF), Local 1319; Palo Alto Police Manager's Association (PAPMA)  
Authority: Government Code Section 54957.6(a).
2. CONFERENCE WITH CITY ATTORNEY- EXISTING LITIGATION  
Subject: Yang Shen v. City of Palo Alto, et al.  
Santa Clara County Superior Court, Case No. 20CV367865  
Authority: Government Code Section 54956.9(d)(1).

**MOTION:** Council Member Cormack moved, seconded by Vice Mayor Burt to go into Closed Session.

**MOTION PASSED:** 7-0

Council went into Closed Session at 5:06 P.M.

Council returned from Closed Session at 6:46 P.M.

Mayor DuBois announced no reportable action.

# ACTION MINUTES

## Study Session

- 3. 3045 Park Blvd (20PLN-00215): Request by Jay Paul Company for a Prescreening of Their Proposal to Create a new Zoning Overlay to Allow Office Uses in Seven (7) Buildings Along Park Boulevard Near the California Avenue CalTrain Station. Environmental Assessment: Not a Project. Zoning District: GM.

## **NO ACTION TAKEN**

## Special Orders of the Day

- 4. Appointment of Candidates to the Historic Resources Board and the Planning and Transportation Commission.

First Round of voting for four positions on the Historic Resources Board with terms ending December 15, 2023.

### Voting For:

|                              |  |
|------------------------------|--|
| Martin Bernstein (Incumbent) | Burt, Cormack, Filseth, Tanaka                     |
| Gogo Heinrich                | Burt, DuBois, Filseth, Kou, Stone                  |
| Michael Makinen (Incumbent)  | Cormack, DuBois Kou, Stone, Tanaka                 |
| Curtis Smolar                |  |
| Caroline Willis              | Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka |
| Margaret Wimmer (Incumbent)  | Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka |

Beth Minor, City Clerk, announced that Caroline Willis with 7 votes, Margaret Wimmer with 7 votes, Gogo Heinrich with 5 votes, and Michael Makinen with 5 votes were appointed to the Historic Resources Board.

First Round of voting for two positions on the Planning and Transportation Commission with a partial term ending December 15, 2024.

### Voting For:

- Bobi Adle
- Doug Burns

# ACTION MINUTES

Rebecca Eisenberg

Kathy Jordan

Tanaka

Ed Lauing (Incumbent)

Burt, Cormack, DuBois, Filseth, Kou, Stone

Kevin Ma

Jessica Resmini

Cormack, Tanaka

Doria Summa (Incumbent)

Burt, DuBois, Filseth, Kou, Stone

Beth Minor, City Clerk, announced that Ed Lauing with 6 votes and Doria Summa with 5 votes were appointed to the Planning and Transportation Commission.

## Agenda Changes, Additions and Deletions

None.

## Minutes Approval

5. Approval of Action Minutes for the January 30, 2021 City Council Retreat and the February 8, 2021 City Council Meeting.

**MOTION:** Council Member Kou moved, seconded by Mayor DuBois to approve the Action Minutes for the January 30, 2021 City Council Retreat and the February 8, 2021 City Council Meeting.

**MOTION PASSED:** 7-0

## Consent Calendar

**MOTION:** Council Member Cormack moved, seconded by Council Member Stone to approve Agenda Item Numbers 6-7.

6. Resolution 9945 Entitled, "Resolution of the Council of the City of Palo Alto Designating the Amount of Project Expenditures to be Reimbursed by the Clean Water State Revolving Fund Proceeds for the Funding of the Secondary Treatment Upgrades at the Palo Alto Regional Water Quality Control Plant."
7. Corrected: Resolution 9938 Entitled, "Resolution of the Council of the City of Palo Alto Ordering Weed Nuisance Abated."

**MOTION PASSED:** 7-0

# ACTION MINUTES

Council took a break at 8:26 P.M. and returned at 8:32 P.M.

## Action Items

8. Review the Fiscal Year (FY) 2021 Mid-year Budget Review and Approve Budget Amendments in Various Funds; Provide Direction on:  
a) Potential Rent Forgiveness Programs for City Tenants, and b) A Waiver of the Business Registry Certificate and Downtown Business Improvement District Fees.

**MOTION:** Council Member Tanaka moved, seconded by Council Member Cormack to:

- A. Amend the Fiscal Year 2021 Budget Appropriation for various funds and various capital projects, as identified in Attachment A, Exhibits 1 and 2 (requires a super majority, 2/3 approval);
- B. Review priorities for use of the \$744,000 COVID-19 Council Reserve, set aside during the Fiscal Year 2021 Adopted Budget and provide direction on usage as appropriate;
- C. Review capital projects expected to begin construction by fiscal year end;
- D. Approve the creation of a rent forgiveness program to qualified City tenants (non-profit and/or for-profit) and authorize the City Manager to execute amendments to all leases in accordance with the City Council established program;
- E. Direct Staff to return with the necessary documents to waive the business registration fee (Palo Alto Municipal Code Chapter 4.60) due and payable in Calendar Year 2021 and the assessments typically levied for the Downtown Business Improvement District (BID) for Fiscal Year 2021; and
- F. Direction to eliminate the equivalent of 83 full-time and 107 part-time positions (76.50 FTE and 26.18 FTE respectively) that were frozen and defunded as part of the FISCAL YEAR 2021 Adopted Budget in the upcoming Fiscal Year 2022 Budget.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** change Motion, Part C to read, "Direct Staff to return with a set of additional details of non-critical capital projects for Council consideration on deferrals this Fiscal Year"

# ACTION MINUTES

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to Motion, Part E, "...for timely completion of forms due and payable..."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change Motion, Part D to read, "Direct the Policy and Services Committee to return with a more refined recommendation on rent forgiveness based on Council input this evening"

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to combine Motion, Part B and Part D to read, "Direct the Policy and Services Committee to review a rent forgiveness program for qualified City tenants with program costs not-to-exceed the \$744,000 COVID-19 Council reserve" (New Part B)

**AMENDMENT:** Council Member Kou moved, seconded by Council Member Filseth to immediately forgive 3 months of rent in accordance with Option C and the 8 program qualifications to be funded by the City Council COVID-19 Contingency Fund.

**AMENDMENT PASSED:** 6-1 Tanaka no

**MOTION AS AMENDED RESTATED:** Council Member Tanaka moved, seconded by Council Member Cormack to:

- A. Amend the Fiscal Year 2021 Budget Appropriation for various funds and various capital projects, as identified in Attachment A, Exhibits 1 and 2 (requires a super majority, 2/3 approval);
- B. Direct the Policy and Services Committee to review a rent forgiveness program for qualified City tenants with program costs not-to-exceed the \$744,000 COVID-19 Council reserve;
- C. Direct Staff to return with a set of additional details of non-critical capital projects for Council consideration on deferrals this Fiscal Year;
- D. Direct Staff to return with the necessary documents to waive the business registration fee (Palo Alto Municipal Code Chapter 4.60) for timely completion of forms, due and payable in Calendar Year 2021 and the assessments typically levied for the Downtown Business Improvement District (BID) for Fiscal Year 2021;
- E. Direction to eliminate the equivalent of 83 full-time and 107 part-time positions (76.50 FTE and 26.18 FTE respectively) that were frozen and

# ACTION MINUTES

defunded as part of the FISCAL YEAR 2021 Adopted Budget in the upcoming FISCAL YEAR 2022 Budget; and

- F. Immediately forgive 3 months of rent in accordance with Option C and the 8 program qualifications to be funded by the City Council COVID-19 Contingency Fund.

**MOTION AS AMENDED PASSED: 7-0**

- 9. Policy and Services Committee Recommends the City Council Accept the City Auditor's Risk Assessment Report, Annual Audit Plan, and Quarterly Status Report.

**MOTION:** Vice Mayor Burt moved, seconded by Mayor DuBois to:

- A. Accept the Fiscal Year 2021 Risk Assessment Report and Recommend City Council Approval, as presented to the Policy and Services Committee meeting on February 9, 2021;
- B. Accept the Fiscal Year 2021 Audit Plan Report and Recommend City Council Approval, as presented to the Policy and Services committee on February 9, 2021 and modified to include the Public Safety Building Construction audit activity;
- C. Approve the following Task Orders, identified in the Audit Plan Report:
  - a. Construction Project Controls;
  - b. Public Safety Building Construction;
  - c. Asset Capitalization o Assessment of SAP Functionality and Internal Controls o IT Risk Management;
  - d. Investment Management;
  - e. Power Purchase Agreements;
  - f. Economic Recovery Advisory; and
- D. Accept the City Auditor's Office Quarterly Status Report covering October – December 2020, as presented to the Policy and Services Committee meeting on February 9, 2021.

**MOTION PASSED: 7-0**

Adjournment: The meeting was adjourned at 11:38 P.M.

# ACTION MINUTES

ATTEST

Digitally signed by:

*Beth Minor*

27523117DA804D7...

City Clerk

APPROVED:

Digitally signed by:

*J. Dubois*

DD53585CA0CB4E9...

Mayor

NOTE: Action minutes are prepared in accordance with Palo Alto Municipal Code (PAMC) 2.04.160(a) and (b). Summary minutes (sense) are prepared in accordance with PAMC Section 2.04.160(c). Beginning in January 2018, in accordance with [Ordinance No. 5423](#), the City Council found action minutes and the video/audio recordings of Council proceedings to be the official records of both Council and committee proceedings. These recordings are available on the City's website.