

## Brettle, Jessica

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**From:** Rice, Danille  
**Sent:** Friday, January 22, 2021 11:26 AM  
**To:** Council, City; Council Agenda Email  
**Cc:** ORG - Clerk's Office; Executive Leadership Team  
**Subject:** Council Agenda Consent Questions for January 25: Items 3 & 4



### Council Question Response

Dear Mayor and Council Members:

On behalf of City Manager Ed Shikada, please find below the staff responses to inquiries made by Council Member Tanaka in regard to the January 25, 2021 Council Meeting agenda.

- **Item 3: Annual Status Development Impact Fees FY2020**
- **Item 4: Request for Authorization to Amend the Existing Legal Service Agreement With the Law Firm of Colantuono, Highsmith & Whatley, PC (Contract S17167696) to Increase the Contract Amount by an Additional \$85,000 Bringing the new Not-to-Exceed Amount to \$340,000; and to Increase the Term by one Year**

#### **Item 3: Annual Status Development Impact Fees FY2020**

- 1. How did staff determine where to use the total unexpended funds of \$1,030,030?**

This total represents the ending fund balances in Public Safety Facilities (\$455,912) and General Government Facilities (\$574,118). As stated in Attachment A, future uses for these fees will be recommended for council approval at upcoming meetings for the Public Safety Building and other eligible capital improvement uses.

- 2. Why are there unexpended balances from the Public facilities of \$455,912 that were collected in fiscal year 2015 and prior, and the General Government facilities fund of \$574,118 that was collected in fiscal year 2015 and prior?**

These funds were created in FY 2015. The wording on page 4 of the staff report should be corrected to read that these balances reflect receipts from FY 2020 and prior which have not been expended to date. As noted above, recommendations to expend these funds will be brought to the Council shortly.

- 3. How are the unexpended General Government Facility funds in the amount of \$574,118 be distributed to the Civic Center Fire Life Safety and Electrical Upgrades, and portions of the JMZ Renovation dedicated to administrative uses?**

Staff expects to bring forward budget adjustments for City Council consideration to make the necessary budget adjustments. These uses align with the funding intent of investing in new or increased capacity at facilities associated with municipal administration. These funds will assisting in offsetting

expected reduced revenue proceeds and contributions in FY 2021 and FY 2022 in the Capital Improvement Fund by providing an offset to programmed eligible expenses for these projects.

**Item 4: Request for Authorization to Amend the Existing Legal Service Agreement With the Law Firm of Colantuono, Highsmith & Whatley, PC (Contract S17167696) to Increase the Contract Amount by an Additional \$85,000 Bringing the new Not-to-Exceed Amount to \$340,000; and to Increase the Term by one Year**

**1. Has the City attempted to settle with Green?**

This question seeks to disclose information that is covered by the Attorney-Client privilege and the obligation to keep Closed Session matters confidential. A response would be unethical and unlawful.

**2. Why does the case need to be continued given that the case has already been decided on by the court?**

The case remains pending in Superior Court with numerous issues being litigated, including the content of the class opt-out notice, implementation of the remedy, and attorneys fees.

Thank you.



CITY OF  
**PALO  
ALTO**

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