



CITY OF PALO ALTO CITY COUNCIL FINAL MINUTES

Special Meeting
March 23, 2020

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:06 P.M.

Present: DuBois, Fine

Participating Remotely: Cormack, Filseth, Kniss, Kou, Tanaka

Absent:

Mayor Fine noted procedures for the Council's first meeting with Council Members participating via Zoom videoconference.

Action Item

- A. Update and Discussion of the COVID-19 Health Emergency and the City's Response – Verbal Report, No Written Staff Report.

Ed Shikada, City Manager reported Staff identified key messages of stay home, stay connected and be kind to share with the public. The community struggled with sheltering in place, but the strategy was going to save lives. The City had transitioned almost 90 percent of their employees to remote work and closed almost all facilities to the public. Staff was exploring signage and access limitations for the Baylands and Foothills Park. Both the Police and Fire Departments had revised response protocols in order to reduce the risk of exposure for first responders and established isolation procedures. The Emergency Operations Center (EOC) was activated and was utilizing the National Incident Management System (NIMS) to expedite decision-making and coordination among departments. The process for reviewing and approving the Budget was not going to change but was going to be streamlined. As the financial implications of the current emergency were revealed, the City Council and the Finance Committee were going to receive updates regarding the Proposed Budget. The Palo Alto Chinese American Community donated 195 masks to the Fire Department. The City launched its community support call center with 29 attendants and five research librarians in response to an increasing number of calls to 911. Utility shutoffs had been suspended. Emergency Services volunteers were assisting with outreach. Staff continued to develop contingency plans for additional emergencies. The City's communications with the public and other agencies were two-way. Staff established ongoing links with the Citizen Corps Council,

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nonprofits and local businesses. Ten people had responded to the Downtown Streets Team's request for volunteer assistance, which the City had distributed. The City established a system for their essential workers to stay in hotels at the City's expense for the nights before and after their work shifts. Staff was working with the County of Santa Clara (County) Office of Education to establish pop-up childcare. The City was doing their best to work and comply with the County's and Governor's Orders. The Palo Alto Art Center and Children's Theatre were providing online programming for children. The issuance of citations related to time-restricted parking zones was suspended, and citations issued on March 16, 2020 were going to be voided.

Ken Dueker, Chief Office of Emergency Services advised that Staff's mission was to do the most good for the most people as efficiently as possible. Hospital resources across the State increased. The City of Hayward had activated a drive-through triage center. Stanford University activated an expanded drive-through testing site later in the week. Staff was planning for second-order contingencies, such as difficulties with cellular networks; plans could be found at cityofpaloalto.org/publicsafety.

Mayor Fine requested the public practice social distancing, increase personal hygiene, donate blood and personal protective equipment and cancel nonessential travel and medical procedures. Flexport.org was accepting donations to source and deliver medical supplies to the Bay Area. He encouraged residents to be kind and courteous and to support one another. The County was increasing the number of Intensive Care Unit (ICU) beds and recruiting retired healthcare personnel. A Federal medical station was opened at the Santa Clara County Convention Center. The County was not releasing information regarding hotspots of infection. Silicon Valley Strong was assisting seniors and people with limited mobility to obtain food and food deliveries. Parking personnel were traveling throughout the community on behalf of public safety organizations. Utility rate relief was provided for residential and commercial customers. The California Avenue Farmers Market was considered an essential grocery. Staff was working with the leaders of the Farmers Market to implement social distancing practices. The Citizen Corps Council (CCC) was meeting twice per week. The City and Chamber of Commerce were coordinating relief for small businesses and nonprofits.

Council Member Cormack indicated the County's frequently asked questions (FAQ) were the best source of information regarding the Shelter-In-Place order, and the FAQs were updated frequently. The City's webpage was updated constantly, and the daily newsletter contained accurate information. Staff was investigating restrictions on religious services.

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Vice Mayor DuBois related that Palo Alto Unified School District (PAUSD) began Phase 2 of flexible learning for students that day. Following Spring Break, hopefully a solution for distance learning was going to be in place. The Parent Teacher Association (PTA) was delivering approximately 120 meals per day to Buena Vista. The faith community was working to establish a chain of communication to distribute food and identify families in crisis. He was not aware of a strong need for childcare but planned for the need to occur. He encouraged citizens to support local businesses.

Council Member Filseth stated most businesses with which he had spoken anticipated a few weeks of cushion and had significant concerns if the emergency continued for weeks or months. Most retail businesses closed but were conducting business online or through inquiry. Businesses did not seem to expect evictions because most landlords probably were not going to evict good tenants, but everyone appreciated some kind of rent relief. Professional firms Downtown were okay. Restaurants with significant takeout business were continuing to operate. Small businesses with only a few employees perhaps were able to weather the emergency better than other businesses. He said some of the larger businesses in Stanford Research Park may have business disruption insurance coverage that could assist them. Stanford Research Park requested the Council postpone consideration of a Business Tax. By and large, businesses were not interested in Small Business Administration (SBA) loans because it had to be repaid.

Council Member Kniss advised that the County could not release specific information because of Health Insurance Portability and Accountability Act (HIPAA) requirements. Many people were inquiring about testing for the Coronavirus. However, a person needed to have symptoms and a doctor's order to be tested. People were reinforcing social distancing practices while out and about. Stanford University's *Everyday COVID* Report was very helpful.

Council Member Kou indicated Emergency Services volunteers were sharing communications with the community. A psychologist was preparing a list of volunteer psychologists to take calls from those in stress. Magical Bridge was providing concerts for children from noon to 1:00 P.M.

Council Member Tanaka wanted to include public comment via Zoom videoconferencing during Council meetings. He questioned whether closing some public facilities, such as tennis courts, was appropriate. Some people shared their efforts with him to contact the Utilities Department about an overflowing sewer. He encouraged the community to join the Slack group for two-way communications with the City and Council. Many businesses continued to pay their employees, but they were only able to do so for a limited time. The Council needed to think about a Stimulus Plan for businesses

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and reprioritizing expenditures. He requested the amounts that Sales Tax and Transient Occupancy Tax (TOT) revenues had decreased.

Mayor Fine asked if restaurants were giving or were allowed to give their food inventory to the public.

Mr. Shikada was not aware of such.

Mr. Dueker related that he had heard a few news stories about restaurants converting to grocery stores. Some restaurants sold their food inventory.

Mayor Fine inquired regarding a decision to close City open space preserves.

Mr. Shikada clarified that the Governor closed parking lots at parks, not the parks, to limit access. If closing parking lots did not manage the number of people, then closure was the next step if Staff did not develop another strategy.

Mayor Fine asked if water restrictions could be imposed over the next few months.

Council Member Cormack reported the Bay Area Water Supply and Conservation Agency (BAWSCA) had received an update on water supplies that afternoon. System storage was high at 84 percent. The demand for water from the San Francisco Public Utilities Commission (SFPUC) was down.

Vice Mayor DuBois asked if Staff was thinking about services that could be provided in a metered manner.

Mr. Shikada advised that the District Attorney's Office had indicated tennis was not a permissible activity.

Kristen O'Kane, Community Services Director related that Staff was focusing on virtual programming to avoid gatherings of people. Tennis and pickleball courts were considered gathering spaces. Social distancing was difficult to maintain in parks.

Council Member Kou requested the City Manager elaborate regarding the tracking of networks.

Mr. Shikada reported Mr. Dueker and he had tracked outages or slowdowns in wireless networks earlier in the day. Distance learning and telework was going to be impacted by a disruption in wireless networks.

Mr. Dueker reiterated that the water supply was more than adequate for demands. However, wildfire season was going to begin soon.

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Telecommunications impacts were correlated with increased distance learning and telework.

Council Member Kou inquired regarding a plan for homeless individuals.

Mr. Shikada advised that the Office of Human Services was coordinating and monitoring accommodations for the homeless.

Council Member Kou requested the nonprofit agencies with which the Office of Human Services was working.

Mr. Shikada stated the Santa Clara County Executive Officer.

Council Member Kou inquired about determining the needs and potential illness of homeless people.

Mr. Shikada indicated the Office of Human Services kept in touch with the Opportunity Center, the Downtown Streets Team and other organizations that provided direct services.

Ms. O'Kane clarified that Staff was meeting biweekly with nonprofit service providers to determine needs and additional services and to coordinate services.

Council Member Kou inquired about the provisions of the Governor's Order released the previous day.

Molly Stump, City Attorney stated it did not list additional restrictions pertaining to City operations.

Council Member Kou asked if a discussion of Executive Orders should be included in future Agendas.

Ms. Stump explained that recent Executive Orders provided cities with additional authority or flexibility and suspended or extended some statutes of limitation. Given the volume of materials, Staff was focusing on provisions that affected the City.

Mr. Dueker reported Staff was monitoring legislative actions. The prior day's Executive Orders did not apply directly to City operations.

Council Member Filseth noted San Mateo County parks were open, but restrooms and picnic areas were closed. Access to the parks was severely limited over the weekend.

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Council Member Kniss requested Staff comment on the use of the Police Department to disperse gatherings.

Robert Jonsen, Police Chief reported the Police Department was responding to some complaints and using education to enforce social distancing. If the public did not practice social distancing, the Police Department may have to enforce requirements.

NO ACTION TAKEN

Action Item

1. Consideration of Analysis, Public Outreach, and Refined Polling and Further Direction on a Potential Local Business Tax Ballot Measure for 2020 Election and Potential Changes to the Business Registry and Business Improvement District Programs.

Ed Shikada, City Manager advised that a base Report provided analysis of next steps related to development of a Business Tax, and an At-Places Memo recommended Staff discontinue work on a local tax measure for the November, 2020 election, focus on revisions to the Business Registry and present the Council with a new schedule for grade separation.

Herb Borock supported the recommendation to discontinue work on the ballot measure and suggested a delay in work on grade separation. A bill in the Legislature proposed to reallocate \$8 billion from High Speed Rail to Southern California rail. Similarly, funding for High Speed Rail was able to be reallocated to Northern California grade separation in the future.

Council Member Tanaka felt the Staff recommendation was appropriate given the anticipated economic collapse.

MOTION: Council Member Tanaka moved, seconded by Council Member Kniss to:

- A. In response to the current public health emergency, discontinue work on the development of a local business tax measure for the November 2020 election;
- B. Focus Staff work over the coming year on revisions to the City's existing Business Registry Certificate Program with the specific goals of:
 - i. Streamlining the process to register;
 - ii. Ensuring all businesses are registered, improving the completeness of the registry and reliability of the data; and

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- C. Direct Staff to return with a Railroad Grade Separation workplan that extends the target date for selection of preferred alternatives.

Council Member Tanaka believed returning the economy to stability was critical. The City needed to help the economy recover.

Council Member Kniss supported the Motion because of the impacts of the public health emergency on local businesses and City revenues and the impacts a Business Tax were going to have on local businesses. She hoped Staff was able to prepare and present a revised workplan for grade separation.

Council Member Tanaka proposed waiving the Business Registration Fee.

Council Member Kniss requested Staff comment on waiving the Business Registration Fee.

Mr. Shikada reported the fee of roughly \$50 defrayed some costs of the Business Registry but did not generate revenue. If the Council wished to waive the fee, they needed to provide a time period for the waiver.

Kiely Nose, Administrative Services Director clarified that businesses were currently paying their fees, and Staff was considering extending the deadline due to the public health emergency.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "Consider waiving the business registration fee." (New Part B. iii)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "Direct Staff to look at how we can stimulate/support the businesses in Palo Alto". (New Part D)

Council Member Kou objected to the process by which this item was brought to the Council and urged Staff to follow the established process.

Mr. Shikada reported the City Manager's Office released notice of the Staff recommendation with the late Packet through all communication channels, but the notice did not presume a Council decision on the item.

Council Member Filseth noted the anticipation of significant City expenses in the next few years and asked if Staff anticipated any delay in Caltrain's Electrification Project.

Mr. Shikada replied no. Caltrain's contractor continued work because public works were exempt from the orders.

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Council Member Filseth believed the Council should keep an eye on tax revenues and ways to finance grade separation. He inquired whether delaying a potential Business Tax to 2022 meant the work already performed was going to have to be repeated.

Mr. Shikada indicated the work did not need to be repeated. A delay in the ballot measure and revision of the Business Registry provided a better sense of the composition of local businesses. Some of the assumptions in the analysis was possibly more accurate with an improved Business Registry.

Council Member Filseth related that Matrix Consulting's employment data appeared to be the type of data that the Business Registry needed to provide.

Mr. Shikada concurred.

Council Member Filseth remarked that the Motion was logical, but a larger Business Tax was going to be needed in a few years to fund grade separation.

Vice Mayor DuBois supported the Motion and said, while he supported a Business Tax, the timing was not right. The Business Registry needed attention, including data integrity checks. Independent of a Business Tax, the Council needed to select preferred alternatives for grade separation. He inquired whether Staff was going to make a recommendation regarding waiving the Business Registration Fee and for what time period.

Council Member Tanaka answered yes.

Vice Mayor DuBois indicated he could agree to waiving the fee for a year and proposed a Council discussion of programs to support local businesses during one of the next two meetings.

Council Member Tanaka agreed with the proposal.

Mr. Shikada advised that Staff were not going to have an opportunity to analyze programs prior to the next meeting on April 6, 2020. On April 6, 2020, the Council was able to brainstorm and identify areas on which Staff needed to focus. However, the impacts of the emergency were probably not any clearer. In addition, State and Federal assistance packages were being prepared.

Vice Mayor DuBois stated in the next week or two there could be emergency ordinances for businesses, particularly for small retailers. A Council discussion of programs was possibly time sensitive.

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Mayor Fine committed to working with the City Manager to schedule a discussion. Input from the Chamber of Commerce and businesses were valuable for a discussion.

Council Member Cormack supported the Motion because the economic situation changed drastically in the past few weeks. If a Business Tax measure was placed on the 2020 ballot and passed, businesses were not going to pay the tax for 21 months or more. She concurred with Council Member Filseth's remarks as the Business Tax was about transportation and grade separation, in her opinion. Given that people may not commute or may commute in new ways, the need for revenue and grade separation was possibly going to change. She expressed concern about the term "stimulate" in Part D because it suggested fiscal policy. She requested Council Member Tanaka remove "stimulate" from Part D.

Council Member Tanaka clarified that Staff would present feasible scenarios for Council consideration.

Mayor Fine related that the change was reasonable. He said "stimulate" could imply economic stimulus, policy stimulus or communications. If Staff determined investments in local businesses were necessary, the Council was able to consider them.

Council Member Kniss believed a stimulus did not have to be monetary. The Cities Association was able to provide information about actions taken in other cities.

Council Member Filseth commented that "stimulate" suggested a debt-financed Keynesian stimulus, which was unrealistic for a city. Therefore, retaining "Stimulate" in the Motion was not going to cause harm.

Council Member Cormack did not want the business community to think the City would make fiscal policy investments in businesses.

Mayor Fine concurred that the current time was not appropriate to consider a Business Tax. People were encouraged to remain at home rather than attend Council meetings, which was an issue for a tax measure. Staff needed to review the audit of the Business Registry.

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

- A. In response to the current public health emergency, discontinue work on the development of a local business tax measure for the November 2020 election;

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- B. Focus Staff work over the coming year on revisions to the city's existing business registry certificate program with the specific goals of:
 - i. Streamlining the process to register;
 - ii. Ensuring all businesses are registered, improving the completeness of the registry and reliability of the data;
 - iii. Consider waiving the business registration fee;
- C. Direct Staff to return with a Railroad Grade Separation workplan that extends the target date for selection of preferred alternatives; and
- D. Direct Staff to look at how we can stimulate/support the businesses in Palo Alto.

MOTION AS AMENDED PASSED: 7-0

Oral Communications

None.

Consent Calendar

Council Member Tanaka registered no votes on Agenda Item Numbers 2, 5, and 5A.

MOTION: Vice Mayor DuBois moved, seconded by Mayor Fine to approve Agenda Item Numbers 2-5A.

- 2. Approval of Contract Number C20176367 With Serco, Inc. for Three Years in an Amount Not-to-Exceed \$2,322,285 for Residential Preferential Parking (RPP) Enforcement Services.
- 3. Approval of Contract Number C20178071 With Oracle America, Inc. for Two-year Term for Software Program Technical Support Services in the Amount of \$262,986; and Authorize the City Manager to Authorize and Execute a Contract Amendment for up to a 10 Percent Contingency or in an Amount Not-to-Exceed \$26,298 in the Event Additional Services are Required, for a Total Not-to-Exceed Amount of \$289,284.
- 4. Adoption of a Record of Land Use Action Approving a Change to the Local Historic Resources Inventory Classification for 526 Waverley Street from a Category 3 (Contributing Building) to a Category 2 (Major Building) Historic Resource. The Historic Resources Board Recommends Adoption of the Record of Land Use Action; Approval of This Historic

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Designation is Exempt from the California Environmental Quality Act (CEQA) in Accordance with Section 15301 of the CEQA Guidelines.

5. Approval of a \$360,000 Net Zero Budget Amendment in the General Fund for the Planning & Development Services Department's Cost Recovery Program for Private Development Studies.
- 5A. Direction to Staff on Preparation of the Fiscal Year 2021 Proposed Operating and Capital Budgets.

MOTION PASSED FOR AGENDA ITEM NUMBERS 2, 5, 5A: 6-1 Tanaka no

MOTION PASSED FOR AGENDA ITEM NUMBERS 3, 4: 7-0

Council Member Tanaka preferred to use the \$2.3 million proposed in Agenda Item Number 2 to aid the community as the City Manager had previously stated parking restrictions were not being enforced. Agenda Item Number 5 assumed an increase in development fees, which probably was not going to occur with the current economic downturn. Regarding Agenda Item Number 5A, he concurred with a streamlined Budget process. However, using the Fiscal Year (FY) 2020 Budget as the basis for the FY 2021 Budget was not logical in the current economic climate.

City Manager Comments

Ed Shikada, City Manager, reported the term of the Serco contract in Agenda Item Number 2 was three years, and the current contract was going to expire at the end of the month. Without the contract, parking enforcement was not going to resume at the end of the emergency. Regarding Agenda Item Number 5, if there were no revenues, there were going to be no expenditures. Agenda Item Number 5A reflected that the document would be a placeholder Budget and would not preclude any policy actions.

Action Items

6. ~~Review of the 2020 Sustainability and Climate Action Plan (S/CAP) Update Process and Accept the 2020-2021 Sustainability Work Plan (STAFF REQUESTS THIS ITEM BE CONTINUED TO APRIL 13, 2020).~~
7. ~~Acceptance of the GreenWaste of Palo Alto Environmental Report; Authorization to Negotiate and Execute an Amendment to GreenWaste Contract Number C09124501 to Increase Compensation by up to \$950,000 to Process Mixed Paper Within the United States; and~~

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~~Approval of a Budget Amendment in the Refuse Fund (STAFF REQUESTS THIS ITEM BE CONTINUED TO AN UNKNOWN DATE).~~

8. Adoption of a Regular Ordinance and Urgency Ordinance 5492 Entitled, "Ordinance of the Council of the City of Palo Alto Establishing a Temporary Moratorium on Residential Tenant Evictions for Nonpayment of Rent Related to the COVID-19 State of Emergency;" and Discussion and Direction on Extending the Evictions Moratorium to Commercial Tenants.

Council Member Kniss was not going to participate in this Agenda Item due to ownership of rental property.

Molly Stump, City Attorney reported the end date in the draft Ordinance was tied to the County of Santa Clara's (County) declaration of a local public health emergency. Staff recommended tying the end date to the Council's Proclamation of a local emergency. The Proposed Ordinances prohibited landlords from assessing late fees to tenants who sought protections provided by the Proposed Ordinances. Staff recommended changing the language to prohibit landlords from charging or collecting "interest, a late fee or a penalty."

Council Member Cormack asked if the prohibition language was contained in Section 6 of the Proposed Ordinance.

Ms. Stump responded yes, Section 6, Paragraph A. The end date appeared in Section 6, Paragraph A, and Section 10.

Council Member Kou asked if the Ordinance expired on the date the emergency was lifted.

Ms. Stump explained that the Proposed Ordinance was set to expire 121 days after the City concluded their local emergency. The Council was able to extend the expiration date as needed in the future.

Council Member Kou requested clarification of voting on a Motion.

Ms. Stump advised that the Proposed Urgency Ordinance required five affirmative votes for adoption and, if adopted, took effect immediately. The regular Ordinance required four affirmative votes for adoption and became effective 31 days following a second reading.

Ms. Stump indicated on April 16, 2020, the Governor issued an Executive Order, which allowed local governments to provide some eviction protections for both residential and commercial tenants affected by COVID-19 related income loss. The State Legislature was considering some statewide

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protections, but the Legislature was in recess until April 13, 2020. Bills were not introduced, and the provisions of future legislation were unknown. The Governor's Office was monitoring local ordinances for rental protections and were expected to issue stronger protections during the upcoming week. A few cities expanded their protections to include commercial tenants, but language for those protections was not available. The Federal Government took action to prohibit foreclosures. Under the City's Ordinances, the tenant must provide written notice and supporting documentation to the landlord. The tenant was to remain responsible for unpaid rents unless the landlord waived any unpaid rents. The tenant needed to pay all unpaid rents on or before 120 days after the end of the local emergency. The tenant and landlord were able to agree to another arrangement for payment of unpaid rents. The Council was able to change the 120-day period in the future. If the Council wished to extend protections to commercial tenants, they needed to provide some high-level policy direction to Staff.

MOTION: Council Member Cormack moved, seconded by Vice Mayor DuBois to:

- A. Adopt the Urgency Ordinance of the Council of the City of Palo Alto Relating to a Temporary Moratorium on Residential Evictions for Nonpayment of Rent During the COVID-19 State of Emergency and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption,
- B. Adopt the Ordinance Relating to a Temporary Moratorium on Residential Evictions for Nonpayment of Rent During the COVID-19 State of Emergency, and
- C. Direct Staff to bring forward a similar moratorium to protect small businesses and nonprofit organizations.

Council Member Cormack wanted to be proactive in assisting renters. The language allowing the City Manager to correct inconsistencies with State and Federal laws was appreciated. She expressed concern about protections for landlords whose only income was rent collection.

Vice Mayor DuBois believed the 120-day time period needed to be extended if the emergency lasted for a few months. Homeowners had to contact their mortgage lenders regarding Federal National Mortgage Association (Fannie Mae) mortgage forbearance. He inquired regarding the basis for 20 employees in Part C.

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Council Member Cormack answered that she based the number on Agenda Item Number 1 and information on Packet Page 7. She was agreeable to increasing the number of employees to 50.

Vice Mayor DuBois proposed Part C does not contain a number. Instead, he requested Staff include Part C with Part D of the Motion for Agenda Item Number 1.

Council Member Cormack agreed.

Council Member Filseth felt the urgency was probably higher for residential tenants than commercial tenants. He expressed concern that the broad definition of documentation and the landlord's burden to prove the documentation was false could result in a six-month rent holiday.

Ms. Stump indicated Staff had not had time to conduct extensive outreach to stakeholders. The Proposed Ordinances did not relieve tenants of the obligation to pay rent. Unpaid rent had to be paid within 120 days following the City's lifting of the emergency Proclamation. During the repayment period, a tenant was possibly unable to pay both regular monthly rent and unpaid rent.

Council Member Filseth asked if the Council could extend the repayment period.

Ms. Stump responded yes, unless the State enacted protections that preempted local protections.

Council Member Kou commented that the protections provided tenants with some stability and appreciated the deletion of the number of employees from the Motion.

Council Member Tanaka asked if the mortgage forbearance applied to all mortgage holders or to mortgages held by Fannie Mae only.

Vice Mayor DuBois clarified that, according to a Fannie Mae representative, lenders that worked with Fannie Mae had to abide by Fannie Mae's forbearance. Most lenders were associated with Fannie Mae.

Council Member Tanaka noted most landlords were not wealthy, and their properties were mortgaged. He expressed worry for landlords who might not receive any rental income to pay their mortgages and/or other monthly expenses.

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Ms. Stump stated there would be tradeoffs. When the Proposed Ordinance returned on April 6, 2020 for a second reading, Staff was able to have more information regarding Fannie Mae's mortgage forbearance.

Council Member Tanaka suggested the Ordinances exclude landlords with only one or two rental units, no other income, or mortgages on rental properties.

Ms. Stump reiterated that the Proposed Ordinances did not relieve tenants of the obligation to pay rents. Any tenant that was able to pay all or some of their monthly rent needed to do so. The tradeoffs were policy questions for the Council. The Council was able to delay action to consider additional aspects. She did not recommend the Council make a distinction based on the structure or size of the landlord's business; Staff needed to analyze those distinctions.

Council Member Tanaka proposed a Subpart D to consider protections for smalltime landlords.

Council Member Cormack did not accept the proposal because the tenants of smalltime landlords did not have the protections intended for all tenants. She inquired whether Staff was aware of such a precedent and whether the level of detail was able to be managed.

Ms. Stump answered not for any ordinance enacted for the public health emergency. She needed to research whether such a distinction was appropriate.

Council Member Cormack shared Council Member Tanaka's concern, but the Council's task was to protect tenants with few or no funds for an emergency.

Ms. Stump advised that the Governor's first justification for allowing cities to adopt protections was based on health. The current environment impacted both tenants and landlords, but the paramount concern was the critical health issue of keeping people housed.

Vice Mayor DuBois felt it was a health and safety issue and concurred with Council Member Cormack's and Ms. Stump's remarks. Fannie Mae's forbearance appeared to be broadly available for multifamily and single-family residences occupied by the owner or others.

Council Member Tanaka asked how the Council would ensure small landlords were not severely impacted by the Proposed Ordinances.

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Mayor Fine reiterated the public health concern of tenants becoming unhoused. Public health and safety were more important than economic interests.

Council Member Tanaka inquired whether evictions were going to occur following the repayment period.

Ms. Stump replied yes. If a tenant had not paid all unpaid rents at the end of the repayment period, he was eligible for eviction.

Council Member Tanaka asked if State protections preempted local protections.

Ms. Stump indicated they could, depending on the language of the provisions.

Council Member Tanaka felt the Council was attempting to do the right thing and encouraged small landlords to provide feedback.

Mayor Fine inquired whether the Proposed Ordinances covered no-fault evictions.

Ms. Stump advised that they did not. Staff wanted to continue to explore broader protections and were able to return with minor amendments for the second reading of the regular Ordinance in April, 2020.

Mayor Fine asked if the tenant had to demonstrate loss of income due to COVID-19.

Ms. Stump answered yes. The Proposed Ordinances did not cover nonpayment of rents for other reasons.

Mayor Fine related that he had heard from homeowners supporting adoption of the Proposed Ordinances but not from any tenant that was covered by the Proposed Ordinances.

MOTION PASSED: 6-0 Kniss recused

Council Member Questions, Comments and Announcements

Council Member Filseth announced the following day was Takeout Food Day (Tuesday's) and encouraged the community to support local restaurants.

Council Member Kou noted Magical Bridge was providing afternoon concerts via Facebook.

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Council Member Tanaka advised that he was continuing to hold office hours via Zoom and encouraged small landlords and businesses to contact him.

Mayor Fine encouraged residents to practice social distancing while outdoors.

Adjournment: The meeting was adjourned at 7:56 P.M.