



Lucas Ramirez, Mayor
Alison Hicks, Vice Mayor
Margaret Abe-Koga, Councilmember
Ellen Kamei, Councilmember
Sally Lieber, Councilmember
Lisa Matchak, Councilmember
Pat Showalter, Councilmember

Kimbra McCarthy, City Manager
Jennifer Logue, City Attorney
Heather Glaser, City Clerk

Video Conference with No Physical Meeting Location

5:00 PM

Tuesday, October 11, 2022

REGULAR CITY COUNCIL MEETING

During this declared state of emergency, the meeting will be conducted in accordance with California Government Code §54953(e) as authorized by resolution of the City Council. Please contact city.clerk@mountainview.gov to obtain a copy of the applicable resolution. All members of the City Council will participate in the meeting by video conference, with no physical meeting location.

Members of the public wishing to observe the live meeting may do so at <https://mountainview.legistar.com>, on YouTube at [YouTube.com/MountainViewGov](https://www.youtube.com/MountainViewGov) and on Comcast Channel 26.

Members of the public wishing to comment on an item may do so in the following ways:

1. Email comments to city.council@mountainview.gov by 4:30 p.m. on the meeting date. Emails will be received directly by the City Council. Please identify the Agenda Item number in the subject line of your email.

2. Provide oral public comments during the meeting by joining the meeting online at: <https://mountainview.zoom.us/j/84351267142> or by dialing (669) 900-9128 and entering Webinar ID: 843 5126 7142.

When the Mayor announces the item on which you wish to speak, click the "raise hand" feature in Zoom or dial *9 on your phone. When the Mayor calls your name to provide public comment, if you are participating via phone, please press *6 to unmute yourself.

5:00 P.M.-CLOSED SESSION

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

2. CLOSED SESSION

2.1 1. Public Employee Performance Evaluation (California Government Code 54957(b)(1)) - Title: Council Appointees: City Attorney, City Clerk and City Manager

2. Conference with Labor Negotiators (California Government Code 54957.6(a)) - Agency Designated Representative: Vice Mayor Hicks: Unrepresented Employees: City Attorney, City Clerk and City Manager

6:30 P.M.-REGULAR SESSION

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. PRESENTATIONS

These are presentations only. The City Council will not take any action.

3.1 National Breast Cancer Awareness Month Proclamation

3.2 National Community Planning Month Proclamation

3.3 Compassion Week Proclamation

4. CONSENT CALENDAR

These items will be approved by one motion unless any member of the Council or audience wishes to remove an item for discussion. The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.

4.1 Approve Minutes

Recommendation(s): Approve City Council meeting minutes of September 13, 2022.

Attachment(s): [09-13-22 Council Minutes](#)

4.2 AB 361 Resolution to Continue Remote Public Meetings During State of Emergency

Recommendation(s): Adopt a Resolution of the City Council of the City of Mountain View Authorizing and Continuing Virtual Meetings of City Council, Committees, Boards, and Commissions Pursuant to AB 361 and Making Required Findings, to be read in title only, further reading waived (Attachment 1 to the Council report).

Attachment(s): [Council Report](#)
[ATT 1 - Resolution](#)

4.3 Bean Scene Café Lease Amendment

Recommendation(s): 1. Authorize the City Manager or designee to amend the lease with Wayne Liu and Xiaolin Xu, doing business as The Mountain View Bean Scene for the Performing Arts Café, to continue to waive the Consumer Price Index annual rent adjustment for the first two years of the five-year Option Term; reduce rent to \$25,529 per year for years one and two of the Option Term; and set rent for year three of the Option Term at \$51,058 plus the Consumer Price Index annual rent adjustment for October 1, 2024. Consumer Price Index rental adjustments will continue for the remaining duration of the Option Term.

2. Authorize the City Manager to execute future amendments to the lease that would result in cumulative financial impacts, including adjustments to rental rates or annual Consumer Price Index increases, within the limits of Council Policy A-10-Authorization to

Execute City Contracts and Agreements and Increase Certain Limited Appropriations effective at the time of any lease amendment execution.

Attachment(s): [Council Report](#)

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. Speakers are allowed to speak on any topic for up to three minutes during this section. If there appears to be a large number of speakers, speaking time may be reduced to no less than 1.5 minutes. State law prohibits the Council from acting on nonagenda items.

6. STUDY SESSION

6.1 Firearm Safety Legislation

Recommendation(s): Receive direction from Council on options for additional firearm safety legislation.

Attachment(s): [Study Session Memo](#)
[ATT 1 - Local Gun Safety Legislation in California](#)

7. PUBLIC HEARINGS

7.1 Public Hearing on Downtown Business Improvement Areas

Recommendation(s): 1. Approve the Mountain View Chamber of Commerce Annual Report.

2. Adopt a Resolution of the City Council of the City of Mountain View Declaring Its Intent to Levy an Annual Assessment for Calendar Year 2023 for the Downtown Mountain View Business Improvement Area No. 1, to be read in title only, further reading waived, and set a public hearing date of November 15, 2022 (Attachment 1 to the Council report).

3. Adopt a Resolution of the City Council of the City of Mountain View Declaring Its Intent to Levy an Assessment for Calendar Year 2023 for the Downtown Mountain View Business Improvement Area No. 2, to be read in title only, further reading waived, and set a public hearing date of November 15, 2022 (Attachment 2 to the Council report).

Attachment(s): [Council Report](#)
[ATT 1 - BIA #1](#)
[ATT 2 - BIA #2](#)
[ATT 3 - BIA Map](#)
[ATT 4 - MVDBA Annual Report 2022](#)

7.2 Castro Street Pedestrian Mall-Variou Actions

Recommendation(s): 1. Adopt a Resolution of the City Council of the City of Mountain View Adopting a Negative Declaration for the Castro Street Pedestrian Mall Study in Accordance with the

California Environmental Quality Act, to be read in title only, further reading waived (Attachment 1 to the Council report).

2. Adopt a Resolution of the City Council of the City of Mountain View, Pursuant to California Streets and Highways Code Section 11311, Determining that Pedestrian Malls on Castro Street Between the East Leg of West Evelyn Avenue and Villa Street, Villa Street and West Dana Street, and West Dana Street and California Street Shall Be Established, to be read in title only, further reading waived (Attachment 3 to the Council report).

3. Introduce an Ordinance of the City of Mountain View Amending Chapter 27 of the Mountain View City Code to Add Article VI Establishing Pedestrian Malls on Castro Street Between the East Leg of West Evelyn Avenue and Villa Street, Villa Street and West Dana Street, and West Dana Street and California Street in the City of Mountain View, to be read in title only, further reading waived, and set a second reading for October 25, 2022 (Attachment 4 to the Council report).

4. Approve a midyear Capital Improvement Program project, Interim Pedestrian Mall Improvements, and transfer and appropriate \$1,500,000 of American Rescue Plan Act funding that was previously appropriated in the General Non-Operating Fund to the new project. (Five votes required)

Attachment(s): [Council Report](#)
[ATT 1 - Resolution to Adopt the Negative Declaration](#)
[ATT 2 - CEQA IS-ND Comments](#)
[ATT 3 - Resolution to Establish Pedestrian Malls](#)
[ATT 4 - Ordinance](#)

8. COUNCIL, STAFF/COMMITTEE REPORTS

No action will be taken on any questions raised by the Council at this time.

FOLLOWING THE REGULAR SESSION

9. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

10. CLOSED SESSIONS

- 10.1 Conference with Legal Counsel-Liability Claims (Government Code §54956.9(d)(2),(e)(3)); Claimant: Michael O'Rourke against the City of Mountain View
- 10.2 Conference with Legal Counsel-Liability Claims (Government Code §54956.9(d)(2),(e)(3)); Claimant: Laura Gonzalez against the City of Mountain View
- 10.3 Conference with Legal Counsel-Liability Claims (Government Code §54956.9(d)(2),(e)(3)); Claimant: Pedro Rivera against the City of Mountain View

11. CLOSED SESSION REPORT

12. ADJOURNMENT

NOTICE TO THE PUBLIC:

There is a 90-day limit for the filing of a challenge in Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting.

The agenda and staff reports may be viewed at the Mountain View Library, 585 Franklin Street, beginning the Thursday evening before each meeting and at the City Clerk's Office, 500 Castro Street, Third Floor, beginning Friday morning prior to Tuesday City Council meetings. Agenda materials may also be viewed online at mountainview.legistar.com.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office during normal business hours and at the Council Chambers at City Hall, 2nd Floor, during the meeting.

City Council meetings are broadcast live on Comcast Channel 26 and replayed on Thursday at 6:30 p.m., Saturday at 10:00 a.m., and Sunday at 5:00 p.m. In addition, Council meetings are webcast live and archived at mountainview.legistar.com.

The Council may consider and act on items listed on the agenda in any order and thus those interested in an item listed on the agenda are advised to be present throughout the meeting. The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise. Per Council Policy A-13, no new items of business will begin after 10:00 p.m. unless an exception is made by vote of the Council.

Pursuant to the Americans with Disabilities Act (ADA), if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 903-6399 or by email at city.clerk@mountainview.gov 48 hours prior to the meeting so the City can make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.160 (b) (1)). If you have a hearing or speech disability, please use the California Relay System at 711, TDD 650-967-0158 or 800-735-2929.

The City of Mountain View does not discriminate on the basis of race, color, religion, national origin, sex, disability, age, source of income, gender, gender expression or identity, or any other State or Federal protected class in any of its policies, procedures or practices. This nondiscrimination policy covers admission and access to, or treatment or employment in, the City of Mountain View programs and activities. For inquiries regarding the nondiscrimination policy, please contact the City's Section 504 Coordinator at laurel.james@mountainview.gov or 650-903-6397.

ADDRESSING THE COUNCIL:

Anyone wishing to address the Council is requested to fill out a blue speaker card and deposit it with the City Clerk to ensure that your name is accurately recorded in the minutes.

Pursuant to Council Policy A-13, an individual speaker shall have up to 3 minutes to address the Council. For any agenda item or for Oral Communications on nonagenda items, if there appears to be a large number of speakers, the Mayor may reduce speaking time to no less than 1.5 minutes per speaker unless there is an objection from Council by majority vote.

If requested in advance of the public input portion of the agenda item to the Mayor or City Clerk, a speaker who represents five or more members of the public in attendance who complete cards but elect not to speak may have up to 10 minutes to address the Council, if the Mayor determines that such extension will reduce the total number of speakers who planned to speak.

An applicant and/or appellant for a zone change, precise plan or quasi-judicial hearing or appeal to the Council shall have up to 10 minutes to address the Council and, with the consent of the Council, two minutes of rebuttal at the conclusion of all public speakers.

Pursuant to City Council Code of Conduct Chapter 6, no person who addresses the Council shall make any belligerent, personal, slanderous, threatening or abusive remark, statement, or commentary toward the Council, staff or other individuals in a manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting, nor shall any person engage in any disorderly conduct which disrupts or impedes the orderly conduct of the meeting. Any violation of this rule shall be grounds for terminating the speaker's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, shall be grounds for removal from the meeting.

Pursuant to Government Code Section 54954.3(b)(1), at least twice the allotted speaking time will be provided to a member of the public who utilizes a translator.

To request Russian, Spanish or Chinese interpretation, please contact the City Clerk's office by 5:00 p.m. at least two business days prior to the day of the scheduled Council meeting by phone at (650) 903-6399 or by email at city.clerk@mountainview.gov.

Чтобы запросить устный перевод на русский язык, обратитесь в офис городского секретаря до 17:00. не менее чем за два рабочих дня до дня запланированного заседания Совета по телефону (650) 903-6399 или по электронной почте city.clerk@mountainview.gov.

Para solicitar interpretación en español, comuníquese con la oficina del Secretario Municipal antes de las 5 p.m. al menos dos días hábiles antes del día de la reunión programada del Consejo por teléfono (650) 903-6399 o por correo electrónico a city.clerk@mountainview.gov.

如需中文口译服务，请在下午 5 点前联系市书记官办公室。在预定的市议会会议召开前至少两个工作日通过电话 (650) 903-6399 或发送电子邮件至 city.clerk@mountainview.gov。