



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

5:30 PM

Tuesday, December 13, 2022

**JOINT MEETING OF CITY COUNCIL (REGULAR) AND SHORELINE REGIONAL PARK COMMUNITY
(SPECIAL)**

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.

5:30 P.M.-CLOSED SESSION

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

2. CLOSED SESSIONS

- 2.1 Conference with Legal Counsel - Anticipated Litigation; Initiation of Litigation pursuant to Government Code §54956.9(d)(4) (1 potential case)
- 2.2 Conference with Legal Counsel-Existing Litigation (Government Code §54956.9(d)(1)); Name of case: San Francisco Baykeeper v. City of Mountain View; et. al., United State District Court, Northern District of California, Case No. 20-cv-00824-EJD

6:30 P.M.-REGULAR SESSION**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE****2. ROLL CALL****3. PRESENTATION**

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

3.1 Proclamation in Recognition of Finance and Administrative Services Director Jesse Takahashi on His Retirement**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 Ordinances Amending Chapters 8, 14, and 24 of the City Code to Adopt the 2022 California and 2021 International Codes, Incorporating by Reference Other Uniform Codes and Reach Codes (Second Reading)

Recommendation(s): 1. Adopt an Ordinance of the City of Mountain View Amending Chapter 8, Articles I through XIV, of the Mountain View City Code, Relating to the Adoption of the 2022 California Building Codes, Incorporating by Reference Other International and Uniform Codes, and Adoption of the 2021 International Property Maintenance Code and 1997 Uniform Code for the Abatement of Dangerous Buildings, to be read in title only, further reading waived (Attachment 1 to the Council report). (First reading: 7-0)

2. Adopt an Ordinance of the City of Mountain View Amending Chapter 14, Articles I and II, of the Mountain View City Code, Relating to the Adoption of the 2021 International Fire Code, Incorporating by Reference the Amendments Adopted by the State of California to Establish the 2022 California Fire Code, to be read in title only, further reading waived (Attachment 2 to the Council report). (First reading: 7-0)

3. Adopt an Ordinance of the City of Mountain View Amending Chapter 24 of the Mountain View City Code Relating to Hazardous Materials, to be read in title only, further reading waived (Attachment 3 to the Council report). (First reading: 7-0)

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

[ATT 1 - Ordinance Chapter 8](#)

[ATT 2 - Ordinance Chapter 14](#)

[ATT 3 - Ordinance Chapter 24](#)

4.2 Construction and Demolition Debris Ordinance (Second Reading)

Recommendation(s): Adopt an Ordinance of the City of Mountain View Amending Chapter 16, Article III of the Mountain View City Code Governing Construction and Demolition Debris Diversion and Finding This Ordinance Exempt from California Environmental Quality Act Review Pursuant to California Environmental Quality Act Guidelines Section 15308 (14 CCR § 15308), to be read in title only, further reading waived (Attachment 1 to the Council report). (First reading: 7-0)

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

4.3 Middlefield Park Master Plan Development Agreement Ordinance (Second Reading)

Recommendation(s): Adopt an Ordinance of the City of Mountain View Approving a Development Agreement for the Middlefield Park Master Plan Project Generally Located at the Northeast Corner of Ellis Street and East Middlefield Road and North of West Maude Avenue, Between Logue Avenue and Clyde Avenue, Mountain View, California, to be read in title only, further reading waived (Attachment 1 to the Council report). (First reading: 6-0-1; Hicks recused)

Attachment(s): [Council Report](#)
[ATT 1 - Ordinance](#)
[ATT 2 - Council Report Dated November 15, 2022](#)

4.4 1265 Montecito Avenue - Zoning Map Amendment (Second Reading)

Recommendation(s): Adopt an Ordinance of the City of Mountain View Approving a Zoning Map Amendment from the CN (Neighborhood Commercial) Zoning District to the R4 (High-Density Residential) Zoning District for the Property Located at 1265 Montecito Avenue, to be read in title only, further reading waived (Attachment 1 to Council report). (First reading: 7-0)

Attachment(s): [Council Report](#)
[ATT 1 - Ordinance for a Zoning Map Amendment](#)
[ATT 2 - Council Report Dated December 6, 2022](#)

4.5 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](#)

4.6 Certification of Official Election Returns - November 8, 2022 General Municipal Election

Recommendation(s): Adopt a Resolution of the City Council of the City of Mountain View Reciting the Fact of the General Municipal Election held on November 8, 2022, Declaring the Result, and Such

Other Matters as Provided by Law, to be read in title only, further reading waived (Attachment 1 to the Council report).

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

4.7 Appoint Advisory Body Members

Recommendation(s): Adopt a Resolution of the City Council of the City of Mountain View Appointing John Stone to the Bicycle/Pedestrian Advisory Committee; Appointing Kristin Higaki and Eric Nehrlich to the Board of Library Trustees; Reappointing Mike Kasperzak, Marina Keith, David Lin, Kira Pascoe, and Jamil Shaikh and Appointing Anne Cavanaugh and Money Singh to the Downtown Committee; Reappointing William Cranston and Jose Gutierrez to the Environmental Planning Commission; Reappointing IdaRose Sylvester and Xavier Webb and Appointing Jocelyn Baird, Erik Poicon, and Molly Smith to the Human Relations Commission; Reappointing Ronit Bryant to the Parks and Recreation Commission; and Reappointing Yao Yao and Appointing Heather Perez to the Performing Arts Committee, to be read in title only, further reading waived (Attachment 1 to the Council report).

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

4.8 Revised Salary Plan for Hourly Employees and New Position Requests for Fiscal Year 2022-23

Recommendation(s):

1. Adopt a Resolution of the City Council of the City of Mountain View Authorizing the City Manager or Designee to Amend the City of Mountain View's Salary Plan for Hourly Employees to Ensure All Classifications Reflect Mountain View's Minimum Wage, to be read in title only, further reading waived (Attachment 1 to the Council report).
2. Authorize two new positions: Assistant City Manager and Senior Assistant City Attorney.
3. Transfer and appropriate \$393,550 from the General Fund Reserve to the City Attorney's Office (\$178,550) and City Manager's Office (\$215,000) to fund the cost of the positions for the remainder of the fiscal year.

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

4.9 2020/21 City Bridges and Culverts Structural Inspection and Repairs, Project 21-52-Authorize Professional Services Agreement

Recommendation(s): Authorize the City Manager or designee to execute a professional services agreement with Biggs Cardosa Associates, Inc., of San Jose to provide inspection and design services for 2020/21 City Bridges and Culverts Structural Inspection and Repairs, Project 21-52, in an amount not to exceed \$155,000.

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

4.10 Accept and File Fiscal Year 2021-22 Annual Comprehensive Financial Report and Related Auditor Reports

Recommendation(s): Accept and file the following reports pertaining to Fiscal Year 2021-2022: (1) City of Mountain View's Annual Comprehensive Financial Report with Independent Auditor's Report (Attachment 2 to the Council report); (2) Article XIII-B Appropriations Limit Agreed-Upon Procedures Report (Attachment 3 to the Council report); and (3) Report to the City Council-Required Communications (Attachment 4 to the Council report).

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

[ATT 1 - Analysis of Fiscal Year 2021-22 Audited Financial Results](#)

[ATT 2 - ACFR and Independent Auditor's Report](#)

[ATT 3 - Article XIII-B Appropriations Limit](#)

[ATT 4 - Report to the City Council - Required Communications](#)

[ATT 5 - CFC Staff Report - November 30, 2022](#)

4.11 Agreement with Mountain View Community Television (KMVT) for Public and Government Access Channel Management

Recommendation(s): Authorize the City Manager or designee to execute an agreement with Mountain View Community Television for public and government access channel management.

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

4.12 Santa Clara County Civil Grand Jury Report Response-Ballot Questions

Recommendation(s): Approve the City's response to the 2022 Santa Clara County Civil Grand Jury's final report, "If You Only Read the Ballot, You're Being Duped" (Attachment 1 to the Council report).

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

[ATT 1 - Response to Civil Grand Jury Report](#)

[ATT 2 - Civil Grand Jury Report](#)

[ATT 3 - 90-Day Notice to Respond](#)

4.13 Biennial Real Estate Technical and Legal Services, Project 22-26-Appropriate Funding

Recommendation(s): 1. Transfer and appropriate \$50,000 from the Construction/Conveyance Tax Fund and \$40,000 from the Park Land Dedication Fund to Biennial Real Estate Technical/Legal Services, Project 22-26. (Five votes required)

2. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, transfer and appropriate \$40,000 from the Shoreline Regional Park Community Fund to Biennial Real Estate Technical/Legal Services, Project 22-26.

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

4.14 Funding Agreement with Community Services Agency for Rent Relief and Other Direct Financial Assistance

Programs

Recommendation(s): Authorize the City Manager or designee to execute an amendment to the agreement with the Community Services Agency to increase funding by \$557,228.12, for a total amount not to exceed \$5,401,144.12, for the direct financial assistance program, including rent relief, and related programs.

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

4.15 Planned and Emergency Facilities Projects, Projects 18-18 and 20-18, Recycling Center Building Retrofit-Variou Actions

- Recommendation(s):**
1. Accept the bid withdrawal of the apparent low bidder, EVRA Construction, Inc., of San Francisco, for Planned and Emergency Facilities Projects, Projects 18-18 and 20-18, Recycling Center Building Retrofit, without forfeiting its bid security on the basis that a material and clerical error was made in assembling the bid, as provided in Section 5103 of the California Public Contract Code.
 2. Transfer and appropriate \$610,000 from the Construction/Conveyance Tax Fund to Planned and Emergency Facilities Projects, Project 20-18, Recycling Center Building Retrofit. (Five votes required)
 3. Award the construction contract for Planned and Emergency Facilities Projects, Projects 18-18 and 20-18, Recycling Center Building Retrofit, to Southwest Construction & Property Management, for \$1,112,200, including a \$101,180 construction contingency.

Attachment(s): [Council Report](#)
[ATT 1 - Bid Relief Request, Staff Memo](#)

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 Revised 2023-2031 Draft Housing Element

Recommendation(s): The purpose of this Study Session is for the City Council to review the revised Draft Housing Element (see Attachment 1 to this Study Session memorandum) and provide direction to staff regarding modifications, including the addition of alternate programs.

Attachment(s): [Study Session Memo](#)[ATT 1 - Revised Draft Housing Element](#)[ATT 2 - HCD Comment Letter, September 29, 2022](#)[ATT 3 - Redlined Draft Housing Element](#)[ATT 4 - Public Comments for EPC Meeting](#)[ATT 5 - Response to HCD Comments Letter](#)[ATT 6 - Public Comments and Staff Responses](#)**7. PUBLIC HEARING - None.****8. COUNCIL, STAFF/COMMITTEE REPORTS**

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

9. CLOSED SESSION REPORT**10. 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。