



Margaret Abe-Koga, Councilmember  
Christopher R. Clark, Councilmember  
John McAlister, Councilmember

Ken S. Rosenberg, Councilmember  
Patricia Showalter, Councilmember  
Lisa Matichak, Vice Mayor  
Leonard Siegel, Mayor

Daniel H. Rich, City Manager  
Lisa Natusch, City Clerk

Jannie L. Quinn, City Attorney

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June 26, 2018

Council Chambers - 500 Castro St.

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

**THIS MEETING WAS TELECONFERENCED PURSUANT TO GOVERNMENT CODE SECTION 54953(b) WITH COUNCILMEMBER SHOWALTER PARTICIPATING IN THE MEETING FROM THE MARRIOTT HOTEL, 3 STATEHOUSE PLAZA, RM. NO. 1125, LITTLE ROCK, AR 72201. THE TELECONFERENCE LOCATION WAS ACCESSIBLE TO THE PUBLIC AND THE AGENDA FOR THE MEETING WAS POSTED AT THAT LOCATION PURSUANT TO GOVERNMENT CODE SECTION 54953(b)(3). MEMBERS OF THE PUBLIC HAD THE OPPORTUNITY TO ADDRESS THE LEGISLATIVE BODY AT THIS LOCATION.**

**5:00 P.M.-STUDY SESSION**

**1. CALL TO ORDER**

At 5:03 p.m., Mayor Siegel called the meeting to order.

**2. ROLL CALL**

**Present:** 6 - Councilmember Abe-Koga, Councilmember McAlister,  
Councilmember Rosenberg, Councilmember Showalter, Vice Mayor  
Matichak, Mayor Siegel

**Absent:** 1 - Councilmember Clark

Councilmember Showalter was in attendance by teleconference.

**3. PRESENTATION**

**3.1 Proclamation in Recognition of the Environmental Sustainability Task Force 2**

Mayor Siegel presented a proclamation to Environmental Sustainability Task Force-2 Chair Bruce Karney in recognition of the work of the Task Force.

**4. STUDY SESSION**

**4.1 Environmental Sustainability Task Force 2 Recommendations**

The Study Session was an opportunity to hear from the Task Force, ask questions, and provide any initial Council input on the recommendations prior to staff reviewing them and returning to Council in the fall with an analysis of them.

Environmental Sustainability Coordinator Steve Attinger presented the item.

At 5:07 p.m., Councilmember Clark arrived.

Environmental Sustainability Task Force-2 Chair Bruce Karney and members IdaRose Sylvester, Mary Dateo, Emily Chueh, Jane Horton and Bruce Naegel presented the recommendations of the Task Force.

The following members of the public spoke:

Unidentified speaker

Marianna Grossman

James Tuleya

Denise Sacks

Serge Bonte

Thida Cornes, Environmental Sustainability Task Force-2 Vice Chair

Mons Lauridsen, on behalf of Lauridsen, Inc.

Mike Balma, Environmental Sustainability Task Force-2 Member

The Council expressed appreciation for the work done by Environmental Sustainability Task Force-2.

### **6:30 P.M.-REGULAR SESSION**

#### **1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

At 6:54 p.m., Mayor Siegel called the meeting to order.

IdaRose Sylvester led the Pledge of Allegiance.

#### **3. PRESENTATION**

##### **3.1 Recognition by the City of Mountain View and the County of Santa Clara of Pastor Michael Love, Trinity United Methodist Church, on his retirement**

Mayor Siegel presented a proclamation and County of Santa Clara Supervisor Joe Simitian presented a resolution to Pastor Michael Love of Trinity United Methodist Church, in recognition of his work and on his retirement.

#### **2. ROLL CALL**

**Present:** 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

Councilmember Showalter was in attendance by teleconference.

#### **4. CONSENT CALENDAR**

Councilmember Showalter recused herself from voting on Item 4.10 since she would be running for office.

Mayor Siegel recused himself from voting on Item 4.10 since he would be running for office.

Councilmember Abe-Koga recused herself from voting on Item 4.12 due to her prior employment.

Councilmember McAlister discussed Item 4.14.

MOTION - M/S - Clark/Matichak - To approve the Consent Calendar.

The motion carried, except for Items 4.10 and 4.12, by the following roll call vote:

**Yes:** 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

#### **4.1 Approval of Minutes**

Approve the Council Meeting Minutes of April 24, 2018 and May 1, 2018.

#### **4.2 Electrical Engineering Services Contract with Telstar Instruments, Inc.**

Authorize the City Manager or his designee to execute a contract for electrical engineering services with Telstar Instruments, Inc., for \$222,000 for the period July 1, 2018 through June 30, 2019.

#### **4.3 Agreement with Midpeninsula Regional Open Space District for Emergency and Nonemergency Communication Services**

Authorize the City Manager to execute an agreement to provide dispatch communication services for Midpeninsula Regional Open Space District through June 30, 2023 with five one-year options to extend.

#### **4.4 Fiscal Year 2018-19 Community for All Grant Program**

Approve implementation of a time-limited Community for All grant program to award up to \$60,000 in one-time funding in Fiscal Year 2018-19 in the form of grants of up to \$10,000 to eligible service agencies, community-based organizations, and other eligible groups that serve or support immigrant communities and mixed-status families in the City of Mountain View.

**4.5 Sanitary Sewer Management Plan Approval**

Approve updates to the City of Mountain View Sanitary Sewer Management Plan as required by the State Water Resources Control Board.

**4.6 Stevens Creek Temporary Trail Detour, Project 17-56-Amend Project Budget and Approve Cost-Share Agreement with the Santa Clara Valley Water District**

1. Appropriate and transfer \$420,000 from the Capital Improvement Program Reserve Fund to Stevens Creek Temporary Trail Detour, Project 17-56. (Five votes required)
2. Authorize the City Manager to execute a cost-sharing agreement with the Santa Clara Valley Water District for repair work to the Stevens Creek Trail, damaged in the flood of winter 2017.

**4.7 Fire Station Alerting System, Project 14-50-Award Construction Contract**

Award the construction contract for Fire Station Alerting System, Project 14-50, to Tech Electric, Inc., for \$135,000 and approve a construction contingency of \$21,000.

**4.8 2017-18 City Bridges and Culverts Structural Inspection and Repairs, Project 18-49-Amend Design Professional Services Contract**

Authorize the City Manager to amend the professional services agreement with Biggs Cardosa Associates, Inc. for the 2017-18 City Bridges and Culverts Inspection and Repairs, Project 18-49, adding \$53,000 for a total contract amount of \$145,000.

**4.9 Shoreline Boulevard at Highway 101 Bicycle/Pedestrian Bridge, Preliminary Design, Project 16-60-Authorize Professional Design Services Contract**

Authorize the City Manager to execute a professional services agreement with Biggs Cardosa Associates, Inc. of San Jose in a not-to-exceed amount of \$732,508 to prepare preliminary design for the Shoreline Boulevard at Highway 101 Bicycle/Pedestrian Bridge, Project 16-60.

**4.10 General Municipal Election - November 6, 2018**

1. Adopt resolutions pertaining to the 2018 General Municipal Election as follows:
  - a. Resolution No. 18232 and Order of the City Council of the City of Mountain View Calling a General Municipal Election for the Purpose of Electing Three (3) Members of the City Council, Requesting the Board of Supervisors to Authorize the Registrar of Voters to Contract for Election Services, Authorizing the City Clerk to Contract with the County of Santa Clara Pertaining to Services to be Performed by the County in Connection with the General Municipal Election to be held on Tuesday, November 6, 2018 and Related Actions, to be read in title only, further reading waived (Attachment 1 to the Council report).
  - b. Resolution No. 18233 Adopting a 200 Word Maximum for a Candidate's Statement

of Qualifications and Charging Each Candidate for a Fixed Share of Costs of the Printing, Handling, Translating and Mailing for the General Municipal Election to Be Held on Tuesday, November 6, 2018, to be read in title only, further reading waived (Attachment 2 to the Council report).

2. Direct the City Clerk and the City Attorney to take all necessary actions to do the following:

- a. Call a General Municipal Election;
- b. Request the Board of Supervisors of the County of Santa Clara to consolidate a General Municipal Election with the Statewide election to be held on Tuesday, November 6, 2018; and
- c. Take related actions.

**Yes:** 5 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Vice Mayor Matichak

**Recused:** 2 - Councilmember Showalter, Mayor Siegel

#### **4.11 Contracts for Outside Plan Checking, Inspection, and Digital Imaging Services**

Authorize the City Manager to execute contracts for outside plan checking, inspection, and digital imaging services with: BMI Imaging, Inc. (\$120,000); CSG Consultants, Inc. (\$200,000); ESH Consultants (\$125,000); Fire Risk Alliance, LLC (\$125,000); O'Brien Code Consulting, Inc. (\$150,000); Shums Coda Associates (\$750,000); and Telecommunications Engineering Associates (\$125,000), for services rendered July 1, 2018 through June 30, 2019.

#### **4.12 East Whisman Precise Plan EIR-Amended Scope of Work**

Authorize the City Manager to amend the existing \$864,766 contract with David J. Powers & Associates by \$249,865 for an amount not to exceed \$1,114,631 for additional tasks and analysis supporting the East Whisman Precise Plan EIR, CIP 15-47.

**Yes:** 6 - Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

**Recused:** 1 - Councilmember Abe-Koga

#### **4.13 Addendum to Memorandum of Agreement (MOA) with Menlo Park Fire Protection District for FEMA Canine Search Team**

Authorize the City Manager to Sign an Addendum Agreement with the Menlo Park Fire Protection District (Sponsoring Organization for FEMA California Urban Search and Rescue

Task Force 3) for the FEMA Canine Search Team (Attachment 1 to the Council report).

**4.14 Pedestrian/Bicycle Safety Improvements, Project 14-40, Annual Traffic Studies/NTMP Improvements, Projects 18-15 and 19-15-Approve Plans and Specifications and Authorize Bidding**

1. Approve plans and specifications for Pedestrian/Bicycle Safety Improvements, Project 14-40, Annual Traffic Studies/NTMP Improvements, Projects 18-15 and 19-15, and authorize staff to advertise the project for bids.
2. Authorize the City Manager to award the construction contract to the lowest responsible bidder if the low bid is within the project budget.

**4.15 City Hall Fourth-Floor Tenant Improvement and Remodeling, Project 18-66-Approve Plans and Specifications/Authorize Bidding**

1. Approve plans and specifications for City Hall Tenant Improvement and Remodeling, Project 18-66 (Fourth-Floor Remodel) and authorize staff to advertise the project for bids.
2. Authorize the City Manager to award a construction contract to the lowest responsible bidder if the bid price is within the project budget.

**4.16 Shoreline Boulevard Pathway Improvements, Project 15-32-Amend Professional Services Agreement**

Authorize the City Manager to amend the professional services contract with BKF Engineers for Shoreline Boulevard Pathway Improvements, Project 15-32, adding \$30,000 for a total contract amount of \$245,000.

**4.17 Santa Clara Valley Blind Center Merger with the Vista Center of the Blind and Visually Impaired and Approval of Assignment and Assumption Agreement**

Authorize the City Manager to execute the assignment and assumption agreement of the loan documents and consent to the merge and transfer of property.

Mayor Siegel announced Unfinished Business Items 7.1 and 7.2 would be considered prior to Public Hearing Items 6.1 and 6.2.

**5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS**

The following members of the public spoke:

Jackie Cashen indicated opposition to the proposed project at 2310 Rock Street.

Ivy Shou indicated opposition to potential cannabis dispensaries in the Grant/Phyllis shopping center.

Unidentified speaker discussed potential crime near cannabis dispensary locations.

IdaRose Sylvester announced an upcoming "Keeping Families Together" rally.

**7. UNFINISHED BUSINESS****7.1 Consideration of Two Council-Initiated Ballot Measures Regarding Cannabis Gross Receipts Tax and the Business License Tax**

City Manager Dan Rich and Dave Metz from FM3 Research presented the item. Mayor Siegel displayed a spreadsheet with update numbers as provided by the Mountain View Chamber of Commerce.

The following members of the public spoke:

Bruce Humphrey, on behalf of the Mountain View Chamber of Commerce.

Mary Dateo from Mountain View.

Brian Rutkowski from Mountain View.

Joan Brodovsky from Mountain View.

Darcy Paul from Cupertino.

Dan Kostenbauder from Palo Alto, on behalf of the Silicon Valley Leadership Group.

Jules Brouillet from San Jose.

Jesse Cupp from Mountain View.

Serge Bonte from Mountain View.

Cliff Chambers from Mountain View.

Adina Levin, on behalf of Friends of Caltrain.

Mike Fischetti

Ellyn Berner from Mountain View.

Emily Ann Ramos from Mountain View.

Ronald Schafer from Mountain View.

Meghan Fraley from Mountain View.

Joan MacDonald

By consensus, the Council agreed to the following amendments proposed by Councilmember Clark:

Amend the text of the ordinance amending Chapter 18 of the Mountain View City Code regarding business registration and license tax as follows: for out-of-town business registration and license tax, require 25% for 6-64 working days, 50% for 65-129 working days and 100% for 130+ working days.

Amend the resolution regarding the use of revenue generated by the business license tax measure as follows: 1) amend section 2 to read: "The revenue will be leveraged to the greatest extent possible with other funding sources for priority transportation projects; Council anticipates this will include bonding against a significant portion of the revenue to support transportation and related infrastructure projects."; and 2) add a new, final section that read: "Council will work with the Mountain View Chamber of Commerce and

other local stakeholders on an implementation plan for the business license tax.”

MOTION – M/S – McAlister/Siegel To:

1. Adopt Resolution No. 18238 and Order of the City Council of the City of Mountain View, as amended, Calling a General Municipal Election and Ordering Consolidation with the Statewide General Election for the Purpose of Submitting to the Voters Two Ballot Measures and Authorizing the City Clerk to Contract with the County of Santa Clara for Services to be Performed in Connection with the Statewide General Election to be Held on Tuesday, November 6, 2018, and Related Actions.
2. Adopt Resolution No. 18239 of the City Council of the City of Mountain View, as amended, Regarding the Use of Revenue Generated by the Business License Tax Measure.
3. Direct the City Attorney to prepare an impartial analysis of the proposed ballot measure.

City Attorney Quinn clarified Ballot Question 1 in Resolution No. 18238 would be amended to read: "Shall the measure to fund critical City needs such as reducing traffic congestion, enhancing bicycle/pedestrian friendly routes, providing housing affordable for a range of incomes/homeless services, by imposing a business license tax of between \$8 and \$149 per employee on average, with larger companies paying more per employee, generating about \$6 million yearly for unrestricted general revenue purposes, until ended by voters, with independent yearly audits, be adopted?"

In addition, City Attorney Quinn indicated the following amendments to the text of the ordinance amending Chapter 18 of the Mountain View City Code regarding business registration and license tax: 1) add new subsection (c) to Section 18.4 to read: "Business operators whose annual gross receipts from such business operations in the city are five thousand (\$5,000) dollars or less. Acceptable documentation must be provided to support the claimed exemption."; 2) reference "annual business registration and license tax" throughout Section 18.16; 3) modify Section 18.16(b) to read: "The provisions of this chapter shall apply to business operators having no fixed place of business within the city whose employees come into the city for the purpose of conducting a business or rendering services when such employees come into the city for these purposes six (6) or more days during any calendar year. The business tax payable by such business operators shall be the business registration and license tax, as apportioned in the table below."; 4) replace Section 18.16(c) references to "business license tax" with "business registration and license tax"; and 5) replace Section 18.16(c)(3) reference to "persons" with "business operators."

FRIENDLY AMENDMENT

Councilmember Abe-Koga moved to amend the title of the table in Section 18.16(a) of the ordinance amending Chapter 18 of the Mountain View City Code regarding business registration and license tax to add "Authorized Maximum" before the words "Business Registration and License Tax."

The motion maker and seconder accepted the amendment.

The amended motion carried by the following roll call vote:

**Yes:** 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

MOTION - M/S - Clark/Showalter - To:

1. Submit an argument related to the ballot measure and designate Mayor Siegel, Councilmember Clark and Councilmember McAlister to write the argument.
2. Not print the full text of the ordinance in the voter pamphlet, but authorize staff to translate the full text of the ordinances or utilize the services of the County to translate the full text of the ordinances to make available to the public.
3. Direct the City Clerk and the City Attorney to take all necessary actions, including authorization to make minor changes, if necessary, to submit the proposed ballot measure to the voters.

The motion carried by the following roll call vote:

**Yes:** 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

MOTION - M/S - Clark/Showalter - At 10:00 p.m., to continue the meeting beyond 10:00 p.m.

The motion carried by a unanimous voice vote.

**Yes:** 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

At 10:01 p.m., Mayor Siegel recessed the meeting. The meeting reconvened at 10:13 p.m. with all Councilmembers present.

## 7.2 Los Altos School District-Change in "Sending Site" for Transfer of Development Right Program

Community Development Director Randy Tsuda presented the item.

Jeff Baier, Los Altos School District Superintendent, made a presentation. Tim Tosta from Areden Fox LLP, Jan Sweetnam from Federal Realty Investment Trust, and Randy Kenyon from Los Altos School District were available for questions.

The Council directed questions to City staff, Tim Tosta, Jan Sweetnam and Randy Kenyon.

The following members of the public spoke:

Jenny Tang from Mountain View.

Alex Cheung from Sunnyvale, a Mountain View business owner.

Unidentified speaker from Mountain View.

Stephen Friberg from Mountain View, on behalf of the Greater San Antonio Community Association.

Ellyn Berner from Mountain View.

Serge Bonte from Mountain View indicated support for the item.

James Reilly from Mountain View indicated support for the item.

MOTION – M/S – McAlister/Siegel – To:

1. Authorize a change in the location of the "Sending Site" for the Transfer of Development Rights program authorized by City Council on January 16, 2018 to support the acquisition of a new public school site for the Los Altos School District from the approximately 8.63 acre site located at 2580 and 2590 California Street and 201 San Antonio Road to the approximately 9.65 acre site located at the southwest corner of California Street and Showers Drive.
2. Direct staff to work with Greystar on the details of the proposed dedication of approximately two acres of land for a public park, to be acquired by Greystar from Federal Realty Investment Trust, concurrent with Los Altos School District's acquisition of the site located at the southwest corner of California Street and Showers Drive, should the Greystar project at 2580 and 2590 California Street and 201 San Antonio Road be entitled.
3. Direct staff to continue to pursue all remaining actions authorized on January 16, 2018, in connection with the Transfer of Development Rights program with no further changes.

FRIENDLY AMENDMENT

Councilmember Abe-Koga moved to amend the motion to direct staff to look at adding a sports pavilion.

The motion maker and seconder accepted the amendment.

#### FRIENDLY AMENDMENT

Councilmember Abe-Koga moved to amend the motion to set a timeline for the agreement.

The motion maker did not accept the amendment.

City Manager Rich clarified the friendly amendment that was accepted by the motion maker and seconder would be direction to staff to maximize amenities, similar to those provided at a junior high school, to benefit the neighborhood, maximize athletic facilities and bring back information on the transportation plan and relocation plan.

The amended motion carried by the following roll call vote:

- Yes:** 4 - Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Mayor Siegel
- No:** 3 - Councilmember Abe-Koga, Councilmember Showalter, Vice Mayor Matichak

## 6. PUBLIC HEARINGS

### 6.1 Downtown Parking Maintenance and Operation Assessment District for Fiscal Year 2018-19

Business Development Specialist Tiffany Chew presented the item.

MOTION - M/S - Clark/McAlister - To approve a motion waiving the reading of the Statement of the Engineer of Record.

The motion carried by the following roll call vote:

- Yes:** 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

City Clerk Natusch read the City Clerk's statement.

Mayor Siegel read the Mayor's statement.

There were no public speakers.

MOTION - M/S - Clark/McAlister - To:

Adopt Resolution No. 18234 Adopting the Engineer's Report for the Downtown Parking Maintenance and Operation Assessment District for Fiscal Year 2018-19 and Authorizing its Delivery to Santa Clara County.

The motion carried by the following roll call vote:

**Yes:** 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

**6.2 North of California Street Master Plan and Development Project at 2580 and 2590 California Street and 201 San Antonio Circle**

Senior Planner Mariya Hodge presented the item.

Acting Current Planning Manager/Zoning Administrator Stephanie Williams and Fran Ruger from Ascent Environmental were available for questions.

Dan Deibel from Greystar Development Partners, applicant, made a presentation. Deanne Ecklund from HortScience was available for questions.

The Council directed questions to Dan Deibel, City staff and Deanne Ecklund.

At 12:10 a.m., Councilmember McAlister left the dais.

At 12:13 a.m., Councilmember Showalter left the meeting.

At 12:16 a.m., Councilmember Abe-Koga left the dais.

The following members of the public spoke:

Rebecca Davis, on behalf of Laborers Local 270, indicated opposition to the project.

Holly Welstein from Palo Alto, on behalf of FabMo.

Jonathan Cranch from Palo Alto, on behalf of FabMo.

Kathy Bonte from Mountain View.

Nirit Lotan, on behalf of Adams Broadwell Joseph & Cardozo, PC.

At 12:30 a.m., Councilmembers Abe-Koga and McAlister returned to the dais.

Unidentified speaker from Mountain View.

Joan MacDonald, on behalf of Advocates for Affordable Housing and the League of

Women Voters.

Serge Bonte from Mountain View.

MOTION - MS - Clark/Siegel - To:

1. Adopt an Initial Study of Environmental Significance for the mixed use project at 2580 and 2590 California Street and 201 San Antonio Circle (Attachment 1 to the Council report).

2. Adopt Resolution No. 18235 Conditionally Approving a Master Plan for the North of California Street Master Plan Area Within the San Antonio Precise Plan on Three Properties Totaling Approximately 8.63 Acres at 2580 and 2590 California Street and 201 San Antonio Circle.

3. Adopt Resolution No. 18236, as amended, Conditionally Approving a Planned Community Permit and Development Review Permit to Construct a 1.85 FAR Mixed Use Development Consisting of 632 Residential Units and Up to 20,000 Square Feet of Commercial Space with Below Grade Parking, a Provisional Use Permit for Rooftop Amenities Above the Third Floor, and a Heritage Tree Removal Permit to Remove 78 Heritage Trees on an 8.63 Acre Site Located at 2580 and 2590 California Street and 201 San Antonio Circle.

a. Modify Condition of Approval No. 91 to read:

PARK LAND DEDICATION AND IN-LIEU FEE: The park land dedication requirement for this project is 3.79 acres of land. In accordance with Chapter 41 of the City Code, applicant may satisfy its park land obligations through a combination of land dedication and/or payment of the Park Land Dedication In-Lieu Fee. As partial satisfaction of this requirement, applicant shall dedicate fee simple title to 2.0 acres of land within the San Antonio Precise Plan area to the City, and satisfy the remaining obligation by payment of the Park Land Dedication In-Lieu Fee. Acceptance of the dedication shall be subject to the City's prior written approval of the title and environmental conditions of the property. The property to be dedicated shall be cleared of all improvements of any kind prior to the dedication. Payment of any in-lieu fees shall be made to the City prior to the issuance of building permits. Dedication in fee of the 2.0 acres of land shall occur prior to the issuance of a Certificate of Occupancy. No credit against the Park Land Dedication In-Lieu Fee will be allowed for private open space and recreational facilities. To calculate the in-lieu fee, the applicant must provide the most current appraisal or escrow closing statement of the property with the following information to assist the City in determining the current market value of the land being developed: (1) a brief description of the existing use of the property; (2) square footage of the lot; and (3) size and type of each building located on the property at the time the property was acquired.

b. Add new Condition of Approval:

AFFORDABLE RENTAL HOUSING UNITS: The applicant has offered an alternative to payment of the Rental Housing Impact Fee and has submitted a request to mitigate the impacts of the residential rental project development through the construction of 32 affordable rental housing units. The applicant shall enter into an agreement with the City consistent with the Costa-Hawkins Act to provide 14 on-site rental housing units affordable to low-income renters (at 80% of area median income) and 18 on-site rental housing units affordable to moderate-income renters (at 120% of area median income) and pay an impact fee estimated at \$4,668,854.04 (half the applicable Rental Housing Impact Fee) for the remainder of the project's affordable housing requirement. Such an agreement shall be executed prior to issuance of the first building permit for the project. Monthly rents shall be set in accordance with the City's BMR Guidelines unless otherwise determined by the Director of Community Development.

c. Add new Condition of Approval:

RELOCATION: A total of nine non-Heritage trees shall be relocated on the project site to a location approved by the Director of Community Development (trees numbered 189, 191, 192, 194, 195, 197, 198, 206, and 208 in the arborist report prepared by HortScience, Inc., and dated February 19, 2018).

d. Add new Condition of Approval:

TREE PRESERVATION - HERITAGE TREES: A total of 20 Heritage trees shall be retained in place and protected on the site during construction (trees numbered 44 through 47, 86, 92, 94, 96, 104 through 106, 126 through 131, 133, 136, and 138 in the arborist report prepared by HortScience, Inc., and dated February 19, 2018).

e. Add new Condition of Approval:

TREE PRESERVATION - NON-HERITAGE TREES: A total of 14 non-Heritage trees shall be retained in place and protected on the site during construction (trees numbered 88, 90, 95, 117, 119, 132, 135, 137, 141, 235, 236, and 238 through 240 in the arborist report prepared by HortScience, Inc., and dated February 19, 2018).

4. Adopt Resolution No. 18237 Conditionally Approving a Lot Line Adjustment to Merge Two Lots Into One Lot Totaling 4.71 Acres at 2580 and 2590 California Street.

5. Strongly encourage the developer to consider hiring local labor.

## FRIENDLY AMENDMENT

Councilmember McAlister moved to amend Condition of Approval No. 76 to reference "in perpetuity per Conditions of Approval 3.a and 29" and amend Condition of Approval No. 61 to increase notice of construction to neighbors within 500' of the project site.

The motion maker and seconder accepted the amendment.

The amended motion carried by the following roll call vote:

**Yes:** 6 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Vice Mayor Matichak, Mayor Siegel

**Absent:** 1 - Councilmember Showalter

**8. NEW BUSINESS****8.1 Public Art for the Community Center Building Remodel Project-Artist Agreement**

Administrative Analyst I Sydney Foster presented the item.

Economic Development Manager Alex Andrade was available for questions.

The following member of the public spoke:

Jesse Cupp

MOTION – MS – Abe-Koga/Matichak – To direct staff to proceed with the art design and installation agreement with LC Studio Tutto and either negotiate the contract price up to an additional \$20,000 for the inclusion of lights, negotiate the contract price down to \$65,000 without lights, or, in the case that neither was possible, put out a request for proposals.

The Council directed questions to staff and Jesse Cupp.

The motion maker amended the motion to direct staff to proceed with the art design and installation agreement with LC Studio Tutto and either negotiate the contract price up to an additional \$20,000 for the inclusion of LED, fiber optic or other lights, negotiate the contract price down to \$65,000 without lights, or, in the case that neither was possible, put out a request for proposals.

The motion seconder accepted the amendment.

The amended motion carried by the following vote:

**Yes:** 4 - Councilmember Abe-Koga, Councilmember Clark, Councilmember Rosenberg, Vice Mayor Matichak

**No:** 2 - Councilmember McAlister, Mayor Siegel

**Absent:** 1 - Councilmember Showalter

**9. COUNCIL, STAFF/COMMITTEE REPORTS**

Mayor Siegel stated he attended the League of California Cities Peninsula Division meeting.

Councilmember McAlister expressed concerns regarding the length of the agenda materials and the timing.

Vice Mayor Matichak stated she attended the opening of the Permanente Creek Trail extension and a Council Neighborhoods Committee meeting.

**10. CLOSED SESSION REPORT**

City Attorney Quinn stated there was no Closed Session report.

**11. ADJOURNMENT**

At 1:39 a.m. on Wednesday, June 27, Mayor Siegel adjourned the meeting.

Approved on September 13, 2022.

\_\_\_\_\_  
Lucas Ramirez, Mayor

\_\_\_\_\_  
Heather Glaser, City Clerk