



Margaret Abe-Koga, Councilmember  
Ronit Bryant, Councilmember  
John M. Inks, Councilmember

R. Michael Kasperzak, Jr., Councilmember  
John McAlister, Vice Mayor  
Jac Siegel, Councilmember

Daniel H. Rich, City Manager  
Lorrie Brewer, City Clerk

Christopher R. Clark, Mayor

Jannie L. Quinn, City Attorney

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February 11, 2014

Council Chambers - 500 Castro Street

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## **5:00 P.M.-STUDY SESSION (HELD IN THE PLAZA CONFERENCE ROOM)**

### **1. CALL TO ORDER**

Mayor Clark called the meeting to order at 5:02 p.m.

### **2. ROLL CALL**

**Present:** 6 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Inks, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

**Absent:** 1 - Councilmember Kasperzak

### **3. STUDY SESSION**

#### **3.1 Rengstorff Avenue Grade Separation Study, Multimodal Concepts, Project 09-28.**

Public Works Director Fuller presented an oral staff report and he, Alta Planning's representative John Lieswyn, City Attorney Quinn and City Manager Rich, responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS AND/OR WITH  
RECOMMENDATIONS:

Greg Unangst, Bicycle/Pedestrian Advisory Committee Chair  
Aldona Majorek  
Keith Teleki  
Bill Cranston, Monta Loma Neighborhood Association Vice President

The Study Session concluded at 6:08 p.m.

## **6:30 P.M.-REGULAR COUNCIL MEETING (HELD IN THE COUNCIL CHAMBERS)**

### **1. CALL TO ORDER**

Mayor Clark called the meeting to order at 6:33 p.m.

## 2. PLEDGE OF ALLEGIANCE

Mayor Clark led the Pledge of Allegiance.

## 3. ROLL CALL

**Present:** 6 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Inks, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark  
**Absent:** 1 - Councilmember Kasperzak

## 4. CONSENT CALENDAR

### Approval of the Consent Calendar

**MOTION - M/S - Clark/Siegel to approve the remaining items on the Consent Calendar. The motion carried by the following vote:**

**Yes:** 6 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Inks, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

**Absent:** 1 - Councilmember Kasperzak

#### 4.1 Approval of Minutes.

**Approve Minutes for the Special Council Meeting of January 21, 2014, the Regular Council Meeting of January 28, 2014, and the Special Mountain View Shoreline Regional Community Meeting of October 22, 2013.**

#### 4.2 McKelvey Park Detention Basin (SCVWD Coordination), Project 14-54-Increase Appropriation.

**Appropriate \$175,000 to McKelvey Park Detention Basin, Project 14-54, for revenue received from the Santa Clara Valley Water District to fund expenses related to project plan check, inspection, and coordination. (Five votes required)**

#### 4.3 Call for Applications for SecondStage Home Companies Status at Mountain View Center for the Performing Arts.

**Direct staff to implement an open call for applications for SecondStage Home Companies.**

#### 4.4 Street Closure, Sound Amplification, Festival Area Designation, and Animal Ban for A La Carte and Art in Mountain View.

1. Adopt Resolution No. 17837 Approving the Closure of Certain Streets in the Downtown Area from 2:00 a.m., Saturday, May 3, 2014, to 10:00 p.m., Sunday, May 4, 2014, for the A La Carte and Art Festival in Mountain View, to be read in title only, further reading waived.

2. Approve the operation of a sound amplification device by the applicant between 9:00 a.m. and 6:00 p.m. on Saturday, May 3, 2014, and Sunday, May 4, 2014, within the festival area, under conditions as specified.

3. Approve a festival area designation for the area of the street closure.

4. Approve an animal ban as requested by the applicant within the festival area designation.

4.5

**Street Closure, Parking Lot Closure, Sound Amplification, and Festival Area Designation for the First Annual Silicon Valley Irish Festival and Fleadh.**

Adopt Resolution No. 17838 to Approve the Closure of Certain Streets in the Downtown Area and Lot No. 5 on Saturday, May 17, 2014, at 2:30 a.m. until Sunday, May 18, 2014, at 10:00 p.m. for the First Annual Silicon Valley Irish Festival and Fleadh, to be read in title only, further reading waived (Attachment 1 to the Council report).

4.6

**Street Closure, Sound Amplification, and Festival Area Designation for the 36th Annual Downtown Parade.**

1. Adopt Resolution No. 17839 to Approve the Closure of Certain Streets in the Downtown Area on Saturday, April 26, 2014, from 7:00 a.m. to 2:00 p.m., for the 36th Annual Downtown Parade, to be read in title only, further reading waived (Attachment 1 to the Council report).

2. Approve the operation of a sound amplification device by the applicant between 11:00 a.m. and 4:00 p.m. within the festival area, under conditions specified.

3. Approve a festival area designation for the area of street closure and Pioneer Park.

4.8

**Well No. 9 Abandonment, Project 13-04-Approve Plans and Heritage Tree Removal.**

1. Approve plans and specifications for the Well No. 9 Abandonment, a project funded by the annual Water System Improvements, Project 13-04, 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.
3. Approve the removal of and mitigation for one Heritage tree.

4.9

**Amendment to Contracts for Outside Plan Checking and Inspection Services.**

1. Increase appropriations \$585,000 in the Community Development Department, Building Services Fund, for building inspection and fire plan checking and inspection contract services. (Five votes required)
2. Authorize the City Manager to execute an amendment to increase consultant contracts for outside building and fire plan checking and inspection services with Shums Coda Associates (SCA) from \$650,000 to \$1,650,000, O'Brien Code Consultants (OCC) from \$400,000 to \$700,000, and Hughes & Associates from \$125,000 to \$260,000 for July 1, 2013 through June 30, 2014.

4.7

**Middlefield Road Median Island Reconstruction, Project 12-32.****MOTION - M/S - Siegel/Inks - To:**

1. Transfer and appropriate \$103,000 from the following projects to Middlefield Road Median Island Reconstruction, Project 12-32:
  - \$25,000 from Miscellaneous Storm/Sanitary Sewer Main Replacement, Project 14-22;
  - \$30,000 from Concrete Sidewalk and Curb Repair, Project 14-06;
  - \$13,000 from Street Lane Line and Legend Repainting, Project 14-12;and
  - \$35,000 from Biennial Installation of ADA Curb Ramps, Project 14-24. (Five votes required);
2. Approve plans and specifications for Middlefield Road Median Island Reconstruction, Project 12-32, and authorize staff to advertise the project for bids; and
3. Authorize the City Manager to award the construction contract to the lowest responsible bidder if the low bid is within the project budget.

**The motion carried by the following vote:**

**Yes:** 6 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Inks, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

**Absent:** 1 - Councilmember Kasperzak

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

Don Letcher expressed concerns with the use of the Council Chambers by Sally Lieber on February 8th to conduct political activity regarding gun control, which he asserted was in violation of Council Policy H-5.

Don Bahl presented information regarding the public forum hosted by Sally Lieber in the City Council Chambers on Saturday, February 8th.

Diane Jones expressed concerns with the relocation process for the residents associated with the Planned Unit Development Project for 111-123 Fairchild Drive, and she also presented information regarding State laws related to relocating individuals with disabilities and requested that Council agendize the item for reconsideration of the City's relocation policy.

Jim Neal expressed concerns with an emergency vote taken by the Valley Transportation Authority last week regarding an amicus brief related to the High Speed Rail project.

Geoff Wolf expressed concerns with the relocation process for the residents associated with the Planned Unit Development Project for 111-123 Fairchild Drive.

Darlene Gonzalez expressed concerns with the relocation process for the residents associated with the Planned Unit Development Project for 111-123 Fairchild Drive, and she expressed concerns that she was not issued a valid 90-day eviction notice. Ms. Gonzalez also presented information regarding state and federal relocations laws.

## 6. PUBLIC HEARINGS

### 6.1 Ordinance of the City of Mountain View Adding Article V to Chapter 16 of the Mountain View City Code Related to Use of Polystyrene Foam Food Service Ware by Food Providers.

1. **Adopt the Negative Declaration related to the use of polystyrene foam food service ware by food providers, in accordance with the California Environmental Quality Act (Attachment 1 to the Council report).**
2. **Introduce an Ordinance of the City of Mountain View Adding Article V to Chapter 16 of the Mountain View City Code Related to Use of Polystyrene Foam Food Service Ware by Food Providers, to be read in title only, further reading waived, and set a second reading for February 25, 2014 (Attachment 2 to the Council report).**

Mayor Clark opened the Public Hearing at 6:58 p.m.

Senior Administrative Analyst Palacio presented an oral staff report and she, City Manager Rich and City Attorney Quinn, responded to Council's questions.

SPEAKING FROM THE FLOOR IN OPPOSITION TO THE ORDINANCE:

Don Letcher  
Jim Neal

SPEAKING FROM THE FLOOR IN SUPPORT OF THE ORDINANCE:

Dave Paradise  
Wendy Nelson  
Aldona Majorek  
Paul Ledesma

Mayor Clark closed the Public Hearing at 7:22 p.m.

**MOTION - M/S Bryant/Siegel to:**

- 1. Adopt the Negative Declaration related to the use of polystyrene foam food service ware by food providers, in accordance with the California Environmental Quality Act (Attachment 1 to the Council report).**
  
- 2. Introduce an Ordinance of the City of Mountain View Adding Article V to Chapter 16 of the Mountain View City Code Related to Use of Polystyrene Foam Food Service Ware by Food Providers, to be read in title only, further reading waived, and set a second reading for March 25, 2014 (Attachment 2 to the Council report), and include the alternative language set forth in Attachment 3 to the staff report.**

**The motion carried by the following vote:**

- Yes:** 4 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Siegel, and Mayor Clark
- No:** 2 - Councilmember Inks, and Vice Mayor McAlister
- Absent:** 1 - Councilmember Kasperzak

## **7. NEW BUSINESS**

### **7.1 Central Expressway Sidewalk Improvements, Project 11-44.**

1. **Adopt the Mitigated Negative Declaration of Environmental Impact for the Central Expressway Sidewalk Improvements, Project 11-44, and find that the Initial Study reflects the independent judgment of the City Council in accordance with the California Environmental Quality Act.**
2. **Approve the removal of up to five Heritage trees and replacement at a 3 to 1 ratio (a total of 15) with 24" box trees.**
3. **Approve plans and specifications for Central Expressway Sidewalk Improvements, Project 11-44, and authorize staff to advertise the project for bids.**
4. **Authorize the City Manager to award the construction contract to the lowest responsible bidder if the low bid is within the project budget.**

Public Works Director Fuller presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Don Letcher

**MOTION - M/S - Siegel/ Abe-Koga - To:**

1. **Adopt the Mitigated Negative Declaration of Environmental Impact for the Central Expressway Sidewalk Improvements, Project 11-44, and find that the Initial Study reflects the independent judgment of the City Council in accordance with the California Environmental Quality Act;**
2. **Approve the removal of up to five Heritage trees and replacement at a 3 to 1 ratio (a total of 15) with 24" box trees;**
3. **Approve plans and specifications for Central Expressway Sidewalk Improvements, Project 11-44, and authorize staff to advertise the project for bids; and**
4. **Authorize the City Manager to award the construction contract to the lowest responsible bidder if the low bid is within the project budget.**

**The motion carried by the following vote:**

**Yes:** 6 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Inks, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

**Absent:** 1 - Councilmember Kasperzak

**CITY COUNCIL AND SHORELINE REGIONAL PARK COMMUNITY**

7.2

**Fiscal Year 2013-14 Midyear Budget Status Report and Fiscal Year 2014-15 Preliminary General Operating Fund Forecast.**

- 1. Acknowledge and file the Fiscal Year 2013-14 Midyear Budget Status Report, the Fiscal Year 2014-15 Preliminary General Operating Fund (GOF) forecast, and the six-month status of the Fiscal Year 2013-14 Performance/Workload Measures (Attachment 1).**
- 2. Appropriate and transfer \$1.2 million from the General Fund Reserve to the Capital Improvement Reserve. (Five votes required)**
- 3. Approve the addition of one Recreation Supervisor position in the Community Services Department as part of the Department reorganization (Attachment 2).**
- 4. Increase appropriations in the Shoreline Regional Park Community Fund, Community Services Department, \$32,000 for additional personnel costs to the end of the fiscal year resulting from the reorganization.**
- 5. Increase appropriations \$397,724 in the Solid Waste Management Fund for prior fiscal year SMaRT® Station operating expenses resulting from the Fiscal Year 2012-13 fiscal year-end reconciliation. (Five votes required)**
- 6. Acknowledge and file the Fiscal Year 2013-14 Council Major Goals Work Plan Mid-Year Update (Attachment 3).**

Finance and Administrative Services Director Kong presented an oral staff report and she, Community Services Director de la Montaigne and City Manager Rich, responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Don Letcher



**MOTION - M/S - Inks/ Siegel - To:**

- 1. Acknowledge and file the Fiscal Year 2013-14 Midyear Budget Status Report, the Fiscal Year 2014-15 Preliminary General Non Operating Fund (GOF) forecast, and the six-month status of the Fiscal Year 2013-14 Performance/Workload Measures (Attachment 1);**
- 2. Appropriate and transfer \$1.2 million from the General Non-Operating Fund Reserve to the Capital Improvement Reserve. (Five votes required);**
- 3. Approve the addition of one Recreation Supervisor position in the Community Services Department as part of the Department reorganization (Attachment 2);**
- 4. Increase appropriations in the Shoreline Regional Park Community Fund, Community Services Department, \$32,000 for additional personnel costs to the end of the fiscal year resulting from the reorganization;**
- 5. Increase appropriations \$397,724 in the Solid Waste Management Fund for prior fiscal year SMaRT® Station operating expenses resulting from the Fiscal Year 2012-13 fiscal year-end reconciliation. (Five votes required); and**
- 6. Acknowledge and file the Fiscal Year 2013-14 Council Major Goals Work Plan Mid-Year Update (Attachment 3). The motion carried by the following vote:**

**Yes:** 5 - Councilmember Bryant, Councilmember Inks, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

**No:** 1 - Councilmember Abe-Koga

**Absent:** 1 - Councilmember Kasperzak

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

Councilmember Siegel requested that Council directed the Council Procedures Committee (CPC) to review Council Policy H-5 regarding the use of the City Council Chambers. By consensus, it was agreed that the CPC review Council Policy H-5 and provide recommendations to Council regarding the use of the City Council Chambers and related fees.

**9. CLOSED SESSION REPORT - None.**

**10. ADJOURNMENT - At 8:37 p.m., Mayor Clark adjourned the meeting to the next regularly scheduled meeting to be held on Tuesday, February 25, 2014 in the Council Chambers at 500 Castro Street.**