



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

Kimbra McCarthy, City Manager
Krishan Chopra, City Attorney
Heather Glaser, City Clerk

October 26, 2021

Video Conference with No Physical Meeting Location

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

This meeting was conducted in accordance with City of Mountain View City Council Resolution No. 18603 in accordance with Assembly Bill 361. All members of the City Council participated in the meeting by video conference, with no physical meeting location.

5:00 P.M.-CLOSED SESSION

At 5:00 p.m., Mayor Kamei called the meeting to order.

There were no public speakers.

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

City Attorney Chopra announced the item listed on the posted agenda.

At 5:02 p.m., Mayor Kamei recessed the meeting to Closed Session with all Councilmembers present except Councilmember Hicks.

At 5:04 p.m., Councilmember Hicks arrived.

2. CLOSED SESSION

**2.1 Conference with Labor Negotiators (California Government Code §54957.6) -
Agency Designated Representative: Sue Rush, Human Resources Director;
Unrepresented Employee: City Attorney; Public Employee Appointment (California
Government Code §54957) - Title: City Attorney**

At 5:34 p.m., the Closed Session concluded.

5:30 P.M.-STUDY SESSION

1. CALL TO ORDER

At 5:35 p.m., Mayor Kamei called the Study Session to order.

2. ROLL CALL

Present: 6 - Councilmember Abe-Koga, Councilmember Lieber, Councilmember Matichak, Councilmember Showalter, Vice Mayor Ramirez, Mayor Kamei

Absent: 1 - Councilmember Hicks

3. STUDY SESSION**3.1 City Park and Los Altos School District Community School Sites-Master Planning Update**

The purpose of this Study Session was to provide Council with an update on the current status and next steps for the future Los Altos School District (LASD) school and City Park site master planning, including staff's preliminary recommendation for the City Park location based on collaborative master plan work to date. The Study Session also provided background on prior Council actions and agreements connected to the master planning and allow Council to evaluate design considerations guiding current City Park site master planning recommendations and upcoming master planning of the joint-use open space on the future LASD school site.

Deputy Zoning Administrator Rebecca Shapiro presented the memo.

At 5:46 p.m., Councilmember Hicks arrived.

The following members of the public spoke:

Tim MacKenzie from Mountain View indicated support for the park location.

By consensus, the Council indicated support for the staff-recommended City Park location and maximizing its size.

The Council indicated support for the City park being developed through the City's process and being open to all, even when the LASD school site was not accessible. Additionally, the Council indicated support for working with LASD to maximize the City utilization of the joint-use open space with a balance between community/neighborhood, school and league use during non-school hours as well as passive uses, bike and pedestrian access and robust community input.

At 6:12 p.m., the Study Session concluded.

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

At 6:30 p.m., Mayor Kamei called the meeting to order.

Dhruv Vijay led the Pledge of Allegiance.

2. ROLL CALL

Present: 6 - Councilmember Hicks, Councilmember Lieber, Councilmember Matichak, Councilmember Showalter, Vice Mayor Ramirez, Mayor Kamei

Absent: 1 - Councilmember Abe-Koga

3. PRESENTATION

3.1 Certificate of Recognition to Dhruv Vijay, Middle School Mayor for a Day

Dhruv Vijay read his Mayor for a Day essay entry.

The Council thanked Dhruv Vijay for his participation.

4. CONSENT CALENDAR

There were no public speakers.

MOTION - M/S - Ramirez/Showalter - To approve the Consent Calendar.

The motion carried by the following roll call vote:

Yes: 6 - Councilmember Hicks, Councilmember Lieber, Councilmember Matichak, Councilmember Showalter, Vice Mayor Ramirez, Mayor Kamei

Absent: 1 - Councilmember Abe-Koga

4.1 Approve Minutes

Approve the City Council meeting minutes of October 12, 2021 and September 28, 2021 and Shoreline Regional Park Community meeting minutes of September 28, 2021.

4.2 Final Map Approval, Tract No. 10497, 1255 Pear Avenue

Adopt Resolution No. 18612 of the City Council of the City of Mountain View Approving the Final Map of Tract No. 10497, 1255 Pear Avenue, Accepting Dedications, and Making Findings as Required by the City Code.

4.3 Assembly Bill 361 Resolution to Continue Remote Public Meetings During State of Emergency

Adopt Resolution No. 18613 of the City Council of the City of Mountain View Directing All Legislative Bodies of the City of Mountain View Subject to the Brown Act to Continue to Meet Remotely in Accordance with Assembly Bill 361 and Making Findings Pursuant to Assembly Bill 361.

4.4 Fiscal Year 2020-21 Annual Compliance Report for Development Impact Fees and Capacity Charges; and Informational Reporting of Park Land Dedication Fee

Make available to the public the Fiscal Year 2020-21 Annual Compliance Report for the Development Impact Fees and Capacity Charges; and Informational Reporting of Park Land Dedication Fee and place the reports on the agenda for the November 9, 2021 Regular Meeting.

4.5 Rengstorff Park Aquatics Center Replacement, Project 18-38-Various Actions

1. Approve the Responsible Bidders List for the construction of the Rengstorff Park Aquatics Center Replacement, Project 18-38.
2. Approve plans and specifications for the construction of the Rengstorff Park Aquatics Center Replacement, Project 18-38, and authorize staff to solicit monetary bids from the approved Responsible Bidders List.
3. Appropriate and transfer \$26,300,000 from the Park Land Dedication Fund (as detailed in Attachment 3 to the Council report) to the Rengstorff Park Aquatics Center Replacement, Design and Construction, Project 18-38, for a total project budget of \$28,000,000.
4. Authorize the City Manager or designee to award the construction contract to the lowest responsible bidder if the bid is within the project budget.
5. Authorize the City Manager or designee to amend the existing professional services agreement with Griffin Structures, Inc., for an additional \$150,000 to provide construction administration services for Rengstorff Park Aquatics Center Replacement, Project 18-38, in a total not-to-exceed amount of \$860,000.

4.6 2700 West El Camino Real-Accept Public Improvements

Accept the public improvements for the development at 2700 West El Camino Real for maintenance throughout their useful lives.

4.7 Amend Professional Services Agreement with Nelson\Nygaard for Parking Consultant Services

Authorize the City Manager or designee to amend the existing professional services agreement with Nelson\Nygaard Consulting Associates, Inc., for an additional \$25,000 to provide parking consultant services in a not-to-exceed amount of \$124,500.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

The following members of the public spoke:

Tim MacKenzie discussed a recent strike by Kaiser Permanente workers.
Albert Jeans discussed enforcement of City Measure C.

6. PUBLIC HEARING - None.

7. STUDY SESSION (CONTINUED)

7.1 Wage Theft and Responsible Construction Ordinances

The purpose of this Study Session was to receive City Council input on the development of a Wage Theft Ordinance and a Responsible Construction Ordinance to enhance wage protections for workers in the City of Mountain View.

Assistant to the City Manager Christina Gilmore presented the memo.

The following members of the public spoke:

Tim MacKenzie from Mountain View indicated support for a wage theft ordinance.

Louise Auerhahn, on behalf of Working Partnerships USA.

Keith Sylva, on behalf of Sheet Metal Workers' Local Union No. 104, indicated support for a responsible construction ordinance.

Doug Chesshire, on behalf of Carpenters' Local Union No. 405, indicated support for a responsible construction ordinance.

Ruth Silver Taube, on behalf of the Santa Clara County Wage Theft Coalition and the Katharine & George Alexander Community Law Center.

Forest Peterson, on behalf of the Santa Clara County Wage Theft Coalition.

Krista De La Torre, on behalf of the South Bay Labor Council.

Felwina Opiso-Mondina, on behalf of the Santa Clara County Wage Theft Coalition and the Pilipino Association of Workers and Immigrants, indicated support for a wage theft ordinance.

Felicia Gershberg, on behalf of Together We Will – San José and the Santa Clara County Wage Theft Coalition.

Bria, on behalf of the Santa Clara County Wage Theft Coalition.

At 7:15 p.m., Councilmember Abe-Koga joined the meeting.

The following members of the public spoke (continued):

Alex Brown

Kevin Ma from Mountain View.

Management Fellow Harsha Ramchandani, Senior Assistant City Attorney Nicole Wright and Assistant City Manager/Chief Operating Officer Audrey Seymour Ramberg were available for questions.

The Council directed questions to staff.

By consensus, the Council indicated support for the staff recommended strategies for the

development of a Wage Theft Ordinance and a Responsible Construction Ordinance. The Council also indicated support for exploring options for exempting sole proprietors from completing the wage theft affidavit, expanding the categories of those who would be covered by the ordinances including day workers, including other forms of compensation such as unpaid payroll taxes, Worker's Compensation insurance coverage and whether the contractor or subcontractor is licensed as part of the wage and labor laws disclosure, and staff exploring opportunities for outreach and education, information on the implications of tying compliance to permitting and partnership opportunities for enforcement.

8. UNFINISHED BUSINESS

8.1 Shoreline Boulevard Interim Bus Lane and Utility Improvements, Design, Project 16-58, and Phase I Construction, Project 18-43-Various Actions

Assistant Public Works Director/City Engineer Ed Arango presented the report. Public Works Director Dawn Cameron was available for questions.

The Council directed questions to staff.

The following members of the public spoke:

Bruce England indicated opposition to the project.

Albert Jeans

Ronit Bryant from Mountain View.

Robert Cox

Alex Brown

Seema

Daniel Hulse

MOTION - M/S - Ramirez/Kamei - To:

1. Approve transplanting three Heritage trees on West Middlefield Road from the east side of the intersection at North Shoreline Boulevard to the west side of the intersection.
2. Approve the removal of and mitigation for one Heritage tree on North Shoreline Boulevard and replacement at a four-to-one ratio with 24" box trees.
3. Transfer and appropriate \$90,000 from the Wastewater Fund and \$90,000 from the Water Fund to Shoreline Boulevard Interim Bus Lane and Utility Improvements, Design, Project 16-58.
4. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, transfer and appropriate \$60,000 from Shoreline Regional Park Community 2018 Series A Bond Proceeds and \$60,000 from Shoreline Community Fund to Shoreline Boulevard Interim Bus Lane and Utility Improvements, Design, Project 16-58.

5. Authorize the City Manager or designee to amend the professional services agreement with Mark Thomas & Company for an additional \$440,000 to provide design support during construction in a not-to-exceed amount of \$2,243,669.

SUBSTITUTE MOTION - M/S - Hicks/Abe-Koga - To:

1. Direct staff to proceed with CEQA review for removal of the additional left-turn lanes scope of work on West Middlefield Road, which will include preparing a revision to the NBPP EIR, adoption of which would precede amending or rebidding the construction contract.
2. Approve the removal of and mitigation for one Heritage tree on North Shoreline Boulevard and replacement at a four-to-one ratio with 24" box trees.
3. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, transfer and appropriate \$60,000 from Shoreline Regional Park Community 2018 Series A Bond Proceeds and \$60,000 from Shoreline Community Fund to Shoreline Boulevard Interim Bus Lane and Utility Improvements, Design, Project 16-58.
4. Authorize the City Manager or designee to amend the professional services agreement with Mark Thomas & Company for an additional \$440,000 to provide design support during construction in a not-to-exceed amount of \$2,243,669.

FRIENDLY AMENDMENT

Councilmember Showalter moved to amend the motion to direct staff to defer left-turn lane construction for five years.

The maker and the seconder accepted the amendment.

The amended substitute motion carried by the following roll call vote:

Yes: 4 - Councilmember Abe-Koga, Councilmember Hicks, Councilmember Matichak, Councilmember Showalter

No: 3 - Councilmember Lieber, Vice Mayor Ramirez, Mayor Kamei

MOTION - M/S - Ramirez/Lieber - To:

Transfer and appropriate \$90,000 from the Wastewater Fund and \$90,000 from the Water Fund to Shoreline Boulevard Interim Bus Lane and Utility Improvements, Design, Project 16-58.

The motion carried by the following roll call vote:

Yes: 7 - Councilmember Abe-Koga, Councilmember Hicks, Councilmember Lieber, Councilmember Matichak, Councilmember Showalter, Vice Mayor Ramirez, Mayor Kamei

At 9:04 p.m., Councilmember Abe-Koga left the meeting.

9. NEW BUSINESS

9.1 Compensation for Council Appointees

Vice Mayor Ramirez presented the report.

There were no public speakers

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

Adopt Resolution No. 18614 of the City Council of the City of Mountain View Approving Annual Compensation Increase for the City Manager and Adopting a Revised Salary Plan.

The motion carried by the following roll call vote:

Yes: 6 - Councilmember Hicks, Councilmember Lieber, Councilmember Matichak, Councilmember Showalter, Vice Mayor Ramirez, Mayor Kamei

Absent: 1 - Councilmember Abe-Koga

10. COUNCIL, STAFF/COMMITTEE REPORTS

Councilmember Showalter stated she attended a Santa Clara Valley Water District Joint Recycled Water Policy Committee meeting and the Santa Clara Valley Water District Drought Summit 2021. She discussed a recent Council Neighborhoods Committee meeting.

Mayor Kamei stated she attended a Cities Association of Santa Clara County Board of Directors meeting and a Council Youth Services Committee meeting. She announced a Teen Wellness Retreat on November 13.

11. CLOSED SESSION REPORT

City Attorney Chopra stated there was no Closed Session report.

12. ADJOURNMENT

At 9:13 p.m., Mayor Kamei adjourned the meeting.

Approved on November 9, 2021.

Ellen Kamei, Mayor

Heather Glaser, City Clerk