



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

Kimbra McCarthy, City Manager  
Jannie L. Quinn, Interim City Attorney  
Heather Glaser, City Clerk

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Video Conference with No Physical Meeting Location

5:00 PM

Tuesday, March 22, 2022

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## 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](mailto: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](mailto: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:**

**Online:**

**You may join the Zoom Webinar using this link: <https://mountainview.zoom.us/j/84351267142>**

**You may be asked to enter an email address and a name. Your email address will not be disclosed to the public.**

**When the Mayor announces the item on which you wish to speak, click the “raise hand” feature in Zoom. Speakers will be notified of their turn shortly before they are called on to speak.**

**By phone:**

**Dial: (669) 900-9128 and enter Webinar ID: 843 5126 7142**

**When the Mayor announces the item on which you wish to speak, dial \*9. Phone participants will be called on by the last two digits of their phone number. When the Mayor calls your name to provide public comment, if you are participating via phone, please press \*6 to unmute yourself.**

For instructions on using the "raise hand" feature in Zoom, visit [https://mountainview.gov/raise\\_hand](https://mountainview.gov/raise_hand).

When called to speak, please limit your comments to the time allotted (up to 3 minutes, at the discretion of the Mayor).

### **5:00 P.M.-CLOSED SESSION**

#### **1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)**

#### **2. CLOSED SESSION**

- 2.1 Conference with Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1)); Name of case: Celerina Navarro, Janet Stevens, Armando Covarrubias, Evelyn Estrada, Gabriel Rangel Jaime, Alma Aldaco, and all others similarly situated v. City of Mountain View, United States District Court, Northern District of California, San Jose Division, Case No. 5:21-cv-05381-NC**
- 2.2 Conference with Labor Negotiators (§54957.6) -- Agency Designated Representatives: City of Mountain View Assistant City Manager/Chief Operating Officer Audrey Seymour Ramberg, Human Resources Director Sue Rush, and Charles Sakai, Sloan Sakai Yeung & Wong LLP; Employee Organizations: Service Employees International Union (SEIU), Local 521; the EAGLES Association; the Police Officers Association (POA); the International Association of Fire Fighters (IAFF), Local 1965; Unrepresented Fire Managers; Unrepresented Police Managers; Unrepresented Department Heads; and Unrepresented Confidential Employees**

### **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 Red Cross Month Proclamation**
- 3.2 Women's History Month Proclamation**
- 3.3 Certificates of Recognition for Cal Cities Women's Caucus "Women of Persistence" 2022 Award**
- 3.4 Condemning Anti-Semitism 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 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](#)

**4.2 Resolution Opposing the Taxpayer Protection and Government Accountability Act**

*Recommendation(s):* Adopt a Resolution of the City Council of the City of Mountain View to Oppose the Taxpayer Protection and Government Accountability Act, to be read in title only, further reading waived (Attachment 1 to the Council report).

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

**4.3 2021 General Plan Annual Progress Report**

*Recommendation(s):* Review and accept the 2021 General Plan Annual Progress Report (Attachment 1 to the Council report).

*Attachment(s):* [Council Report](#)  
[ATT 1 - Draft 2021 General Plan Annual Progress Report](#)  
[ATT 2 - EPC Staff Report, March 2, 2021](#)

**4.4 Michaels at Shoreline Improvements, Project 20-53-Accept Construction**

*Recommendation(s):* Accept Michaels at Shoreline Improvements, Project 20-53, and authorize the final contract payment.

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

**4.5 2021 Housing Element Annual Progress Report**

*Recommendation(s):* Review and accept the 2021 Housing Element Annual Progress Report (Attachment 1 to the Council report).

*Attachment(s):* [Council Report](#)  
[ATT 1 - 2021 AMI for Santa Clara County](#)  
[ATT 2 - 2021 Housing Element Annual Progress Report](#)

**4.6 McKelvey Park Detention Basin, Project 14-54 - Various Actions**

**Recommendation(s):** 1. Appropriate and transfer \$150,000 of unrestricted park land funds and \$157,000 of Capital Improvement Program (CIP) Reserve to McKelvey Park Detention Basin, Project 14-54, increasing the project budget from \$425,000 to \$732,000. (Five votes required)

2. Authorize the City Manager or designee to amend the Agreement Between the Santa Clara Valley Water District and the City of Mountain View for the Construction of a Detention Basin and Related Improvements at McKelvey Park, and amend and reinstate the Agreement Between the Santa Clara Valley Water District and the City of Mountain View for the Operation and Maintenance of a Detention Basin and Related Improvements at McKelvey Park.

3. Authorize the City Manager or designee to amend the Joint Use Agreement with the Santa Clara Valley Water District for the Permanente Creek Trail from San Francisco Bay to Old Middlefield Way.

**Attachment(s):** [Council Report](#)  
[ATT 1 - McKelvey Park Trail Area](#)

#### **4.7 1045-1085 La Avenida-Accept Public Improvements**

**Recommendation(s):** Accept the public improvements for the development at 1045-1085 La Avenida for maintenance throughout their useful lives.

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

#### **4.8 Extend the City's External Auditor Contract for Two Years and Amend the Contract to Include GASB 87 Consultant Services**

**Recommendation(s):** Authorize the City Manager to:

1. Extend the City's contract with Macias Gini & O'Connell, LLP, an additional two years for Fiscal Years 2021-22 and 2022-23.

2. Amend the City's contract to include consulting services related to the implementation of Governmental Accounting Standard Board Statement No. 87 (GASB 87).

**Attachment(s):** [Council Report](#)  
[ATT 1 - CFC Meeting Packet](#)

### **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. NEW BUSINESS

### 6.1 Council Appointee Request For Housing Assistance

**Recommendation(s):** Adopt a Resolution of the City Council of the City of Mountain View Approving Housing Assistance for the City Clerk, to be read in title only, further reading waived (Attachment 1 to the Council report).

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

### 6.2 Recycled Water Feasibility Study Update, Project 18-71

**Recommendation(s):**

1. Approve the Recycled Water Feasibility Study Update Draft Report (Attachment 1), including the list of recommendations in this Council report.
2. Transfer and appropriate \$50,000 from the Water Fund to Recycled Water Feasibility Study Update, Project 18-71. (Five votes required)
3. Authorize the City Manager or designee to amend the professional services agreement with Carollo Engineers for Recycled Water Feasibility Study Update, Project 18-71, increasing compensation by \$40,000 for a total amount not to exceed \$205,000.

**Attachment(s):** [Council Report](#)  
[ATT 1 - Recycled Water Feasibility Study Update Draft Report](#)

## 7. PUBLIC HEARING

### 7.1 California Senate Bill 9-Text Amendments to Chapter 28 (Subdivisions) and Chapter 36 (Zoning) of the City Code and Other Minor Text Amendments

**Recommendation(s):**

1. Find the proposed ordinances implementing Senate Bill 9 to be statutorily exempt under the California Environmental Quality Act pursuant to Government Code Sections 65852.21(j) and 66411.7(n), and the minor text amendments to be exempt under CEQA Guidelines Section 15061(b)(3) as clarifications to existing code requirements and procedures.
2. Introduce an Ordinance of the City Council of the City of Mountain View Amending Chapter 36 (Zoning) of the City Code to Establish Procedures and Standards Related to Dual Urban Opportunity (DUO) Developments in Compliance with Senate Bill 9 and to Make Other Minor Amendments Related to Inactive Permit Applications, to be read in title only, further reading waived, and set a second reading for April 12, 2022 (Attachment 1 to the Council report).

3. Introduce an Ordinance of the City of Mountain View Repealing Mountain View City Code Chapter 28, Subdivisions, in its Entirety and Replacing it with a New Chapter 28 of the Mountain View City Code to Reorganize and Renumber the Chapter and to Include Procedures and Standards Related to Urban Lot Splits in Compliance with Senate Bill 9, to be read in title only, further reading waived, and set a second reading for April 12, 2022 (Attachment 2 to the Council report).

4. Adopt a Resolution of the City Council of the City of Mountain View Amending the City of Mountain View Master Fee Schedule to Establish a Permit Fee for Preliminary Parcel Maps for Urban Lot Splits, to be read in title only, further reading waived (Attachment 3 to the Council report).

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

[ATT 1 - Draft Ordinance Amending Chapter 36 \(Zoning\)](#)

[ATT 2 - Draft Ordinance Amending Chapter 28 \(Subdivisions\)](#)

[ATT 3 - Resolution Amending the Planning Fee Schedule](#)

[ATT 4 - EPC Staff Report - February 16, 2022](#)

[ATT 5 - Written Comments to the EPC](#)

[ATT 6 - Summary Table of Amendments to Chapter 36 \(Zoning\)](#)

[ATT 7 - Summary Table of Amendments to Chapter 28 \(Subdivisions\)](#)

## **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](http://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](http://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. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.160 (b) (1))

## 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](mailto:city.clerk@mountainview.gov).