



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
Jannie L. Quinn, Interim City Attorney
Heather Glaser, City Clerk

March 22, 2022

Video Conference with No Physical Meeting Location

REGULAR CITY COUNCIL MEETING

During this declared state of emergency, the meeting was conducted in accordance with California Government Code §54953(e) as authorized by resolution of the City Council. 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 Ramirez called the meeting to order.

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

Interim City Attorney Quinn announced the items listed for Closed Session.

There were no public speakers.

At 5:03 p.m., Mayor Ramirez recessed the meeting to Closed Session with all Councilmembers present.

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

At 5:40 p.m., Closed Session concluded.

6:30 P.M.-REGULAR SESSION

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

Mayor Ramirez led the Pledge of Allegiance.

A moment of silence was observed in memory of George “Andre” Oseida.

2. ROLL CALL

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

3. PRESENTATIONS

3.1 Red Cross Month Proclamation

Mayor Ramirez presented the proclamation to Mike Kasperzak, Community Volunteer Leader with the Silicon Valley Chapter of the American Red Cross.

3.2 Women's History Month Proclamation

Mayor Ramirez presented the proclamation to Karin Bricker, President of the Los Altos-Mountain View League of Women Voters.

3.3 Certificates of Recognition for Cal Cities Women’s Caucus “Women of Persistence” 2022 Award

Eva Porter from Presentation High School in San Jose made remarks.

Councilmember Kamei presented the award to the following recipients:

Paula Pérez, Olga Melo, Azucena Castañon, Isabel Salazar, Sonia Sequieros, Marilu Cuesta, Nadia Mora and Nura Bohnhoff

3.4 Condemning Anti-Semitism Proclamation

Mayor Ramirez presented the proclamation to Karen Stiller, Senior Director of Jewish Affairs with Jewish Community Relations Council and Congregation Beth Am Rabbi Jonathan Prosnit.

The following members of the public spoke:

Isabel Salazar from Mountain View thanked the Council for the Cal Cities Women's Caucus "Women of Persistence" 2022 Award.

4. CONSENT CALENDAR

Councilmember Showalter discussed Item 4.3.

Mayor Ramirez pulled Item 4.5 for individual consideration.

There were no public speakers.

MOTION - M/S - Abe-Koga/Hicks - To approve the balance of the Consent Calendar.

The motion carried, except for Item 4.5, by the following roll call vote:

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

4.1 AB 361 Resolution to Continue Remote Public Meetings During State of Emergency

Adopt Resolution No. 18653 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.

4.2 Resolution Opposing the Taxpayer Protection and Government Accountability Act

Adopt Resolution No. 18654 of the City Council of the City of Mountain View to Oppose the Taxpayer Protection and Government Accountability Act.

4.3 2021 General Plan Annual Progress Report

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

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

Accept Michaels at Shoreline Improvements, Project 20-53, and authorize the final contract payment.

4.5 2021 Housing Element Annual Progress Report

This item was pulled from the Consent Calendar by Mayor Ramirez for individual consideration.

Assistant City Manager/Community Development Director Aarti Shrivastava and Advanced Planning Manager Eric Anderson were available for questions.

The Council directed questions to staff.

There was no public comment.

MOTION - M/S - Showalter/Kamei - To review and accept the 2021 Housing Element Annual Progress Report (Attachment 1 to the Council report).

The motion carried by the following roll call vote:

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

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

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.

4.7 1045-1085 La Avenida-Accept Public Improvements

Accept the public improvements for the development at 1045-1085 La Avenida for maintenance throughout their useful lives.

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

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).

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

The following members of the public spoke:

Philip Cosby indicated support for a local eviction moratorium.

Jack Powers from Mountain View discussed enforcement of the narrow streets ordinance.

Deborah discussed a project at 1057-1061 El Monte Avenue.

Tim MacKenzie from Mountain View indicated support for a local eviction moratorium.

Kevin Ma indicated support for a local eviction moratorium and protections for bicyclists.

Alex Brown indicated support for a local eviction moratorium and protections for bicyclists.

Kristine Keller from Mountain View discussed a project at 555 West Middlefield Road.

Mountain View Tenants Coalition from Mountain View indicated support for a local eviction moratorium.

Paula Perez discussed the end of the State eviction moratorium.

Maria indicated support for a local eviction moratorium.

Salim Damerджи indicated support for a local eviction moratorium and protections for bicyclists.

Cindy Valderrama from Mountain View indicated support for a local eviction moratorium.

Sonia Sequeiros indicated support for a local eviction moratorium.

Marilu Cuesta Flores indicated support for a local eviction moratorium.

6. NEW BUSINESS

6.1 Council Appointee Request For Housing Assistance

Senior Human Resources Analyst Lindsey Bishop presented the item.

There were no public speakers.

MOTION - M/S - Kamei/Showalter - To adopt Resolution No. 18655 of the City Council of the City of Mountain View Approving Housing Assistance for the City Clerk.

The motion carried by the following roll call vote, which was conducted by Assistant City Clerk Merry Monlux:

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

6.2 Recycled Water Feasibility Study Update, Project 18-71

Senior Civil Engineer Jason Chou presented the item. Public Works Director Dawn Cameron and Assistant Public Works Director Lisa Au were available for questions.

The Council directed questions to staff.

There were no public comments.

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

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.

FRIENDLY AMENDMENT

Councilmember Showalter moved to amend the motion to direct staff to plan for future distribution systems by reserving room for recycled pipeline as development occurs throughout the City.

The maker of the motion accepted the amendment.

The amended motion carried by the following roll call vote:

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

At 8:34 p.m., Mayor Ramirez recessed the meeting. The meeting reconvened at 8:45 p.m. with all Councilmembers present.

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

Associate Planner Brittany Whitehill presented the item. Planning Manager/Zoning Administrator Stephanie Williams and Assistant City Manager/Community Development Director Aarti Shrivastava were available for questions.

The Council directed questions to staff.

The following members of the public spoke:

Kevin Ma

Kelsey Banes from Mountain View indicated agreement with Kevin Ma.

Cindy Liu from Mountain View.

Salim Damerджи

Betty from Mountain View.

Olia Sorokina

Alex Brown

Tim MacKenzie

MOTION - M/S - Matichak/Abe-Koga - To:

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, with a modification to allow second story decks along the street-facing front and side façades of dual urban opportunity development units, up to an aggregate of 150 square feet per unit, and set a second reading for April 12, 2022.
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, and set a second reading for April 12, 2022.
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.

FRIENDLY AMENDMENT

Councilmember Showalter moved to amend the motion to direct staff to develop an ordinance to allow the sale of half of a duplex.

The maker of the motion did not accept the amendment.

AMENDMENT

The maker of the motion amended the motion to read:

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 and Urban Lot Splits in Compliance with Senate Bill 9 and to Make Other Minor Amendments Related to Inactive Permit Applications, and set a second reading for April 12, 2022.

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, and set a second reading for April 12, 2022.

4. Adopt Resolution No. 18656 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.

The seconder of the motion accepted the amendment.

FRIENDLY AMENDMENT

Mayor Ramirez moved to amend the amended motion to remove the restriction on the separate sale or conveyance of a dual urban opportunity development unit.

The maker of the motion did not accept the amendment.

FRIENDLY AMENDMENT

Councilmember Showalter moved to amend the amended motion to reduce the width of flag lot driveways for urban lot splits to 12 feet.

The maker of the motion did not accept the amendment.

AMENDMENT

The maker of the motion moved to amend the amended motion to reduce the width of flag lot driveways for urban lot splits to 14 feet.

The seconder of the motion accepted the amendment.

AMENDMENT

The maker of the motion moved to amend the amended motion to direct staff to bring back changes to the ordinance to reduce the width of flag lot driveways for urban lot splits to 12 feet.

The seconder of the motion accepted the amendment.

The amended motion carried by the following roll call vote:

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

MOTION - M/S - Ramirez/Lieber - At 10:14 p.m., to continue the meeting beyond 10:00 p.m.

The motion carried by the following roll call vote:

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

8. COUNCIL, STAFF/COMMITTEE REPORTS

MOTION - M/S - Ramirez/Lieber - To direct that, in the event that the State eviction protections are not extended, a Special City Council meeting be held before April 1 to evaluate a local response to the expiration of the State protections including, but not limited to, a local eviction moratorium for a limited period of time.

The motion carried by the following roll call vote:

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

Mayor Ramirez stated he attended the National League of Cities Congressional City Conference and the Mayors Innovation Project Winter Meeting.

Councilmember Matichak stated she attended the National League of Cities Congressional City Conference and a Bay Area Water Supply and Conservation Agency Board of Directors meeting.

Councilmember Showalter stated she attended the National League of Cities Congressional City Conference, a National League of Cities Energy, Environment & Natural Resources Committee meeting and a San Francisco Bay Conservation and Development Commission meeting.

Councilmember Abe-Koga announced a Metropolitan Transportation Commission meeting on March 23.

9. CLOSED SESSION REPORT

Interim City Attorney Quinn stated there was no Closed Session report.

10. ADJOURNMENT

At 10:34 p.m., Mayor Ramirez adjourned the meeting in memory of former Mayor, Councilmember and Mountain View Police Captain Nick Galiotto.

Approved on April 12, 2022.

Lucas Ramirez, Mayor

Heather Glaser, City Clerk