



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

Lisa Matichak, Councilmember
Patricia Showalter, Councilmember
Leonard Siegel, Vice Mayor

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

Ken S. Rosenberg, Mayor

Jannie L. Quinn, City Attorney

October 17, 2017

Plaza & Council Chambers - 500 Castro St.

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

5:30 P.M.-CLOSED SESSION (HELD IN THE PLAZA CONFERENCE ROOM)

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

At 5:30 p.m., an announcement was made by City Attorney Quinn, who described the items that Council would consider on the Closed Session Agenda below.

2. CLOSED SESSION

2.1 Conference with Real Property Negotiator (§54956.8)—Property: 1274 Terra Bella Avenue, APN 153-14-028, Negotiating Party: Teledyne Wireless Inc.; 975 N. Shoreline Blvd., APN 153-16-010, Negotiating Party: Terraline Properties, Inc.; No Situs, APN 153-16-009, Negotiating Party: Terraline Properties, Inc.; 967 N. Shoreline Blvd., APN 153-16-008, Negotiating Party: 967 Shoreline Associates; 850/900 N. Shoreline Blvd., APN 153-14-001, Negotiating Party: FKR Properties LLC; 883 N. Shoreline Blvd., APN 153-16-021 through 153-16-044 (condo common area), Negotiating Party: C-M Shoreline Station LLC; 808 N. Shoreline Blvd., APN 153-14-002, Negotiating Party: Chevron USA Inc.; 807 N. Shoreline Blvd., APN 153-16-001, Negotiating Party: Au Energy, LLC; 790 W. Middlefield Road, APN 150-31-002, Negotiating Party: Hadad Petroleum Inc.—Agency Negotiator: Dennis Drennan, Real Property Program Administrator—Under Negotiation: Price and Terms of Payment for Acquisition of a Portion of Real Property

2.2 Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(d)(4)
Masterpiece Cakeshop, Ltd., et al., v. Colorado Civil Rights Commission, et al., United States Supreme Court Docket No. 16-111. Consideration of whether to participate in this litigation as amicus curiae in support of the Colorado Civil Rights Commission

2.3 Conference with Legal Counsel – Pending Litigation pursuant to Government Code Section 54956.9(d)(1)

County of Santa Clara v. Donald J. Trump, President of the United States of America, John F. Kelly, in his official capacity as Secretary of the United States Department of Homeland Security, Jefferson B. Sessions, in his official capacity as Attorney General of the United States, John Michael “Mick” Mulvaney, in his official capacity as Director of the Office of Management and Budget and Does 1 -50. Case No. 17-cv-00574-WHO; U.S. District Court, Northern District of California; City and County of San Francisco v. Donald J. Trump, President of the United States of America, John F. Kelly, Secretary of the United States Department of Homeland Security, Dana J. Boente, Acting Attorney General of the United States, and Does 1 -100. Case. No. 17-cv-00485-WHO; U.S. District Court, Northern District of California. Consideration of whether to continue participation in this litigation as amicus curiae in support of the City and County of San Francisco and County of Santa Clara

Seeing no one wishing to speak, Mayor Rosenberg closed the meeting to the public and called the meeting to order at 5:02 p.m.

All Councilmembers were present

The Closed Session concluded at 6:15 p.m.

6:30 P.M.-REGULAR SESSION (HELD IN THE COUNCIL CHAMBERS)

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Rosenberg called the meeting to order at 6:30 p.m.

Don Letcher led the Pledge of Allegiance.

2. ROLL CALL

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

3. PRESENTATION

3.1 Mayor Rosenberg presented a Proclamation Recognizing National Friends of Libraries Week to Russ Jones, Friends of the Mountain View Library Membership Chair

4. CONSENT CALENDAR

Vice Mayor Siegel recused himself from acting on Item 4.3.

MOTION - MS - McAlister/Abe-Koga - To approve the Consent Calendar with Vice Mayor Siegel recused from acting on Item 4.3.

The motion carried by the following vote:

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

4.1 Approval of Minutes.

That City Council approve the following minutes:

- 1. September 12, 2017 Council meeting; and**
- 2. September 19, 2017 Council meeting.**

4.2 Library Elevator Modernization, Project 17-54-Accept Construction.

Accept Library Elevator Modernization, Project 17-54, and authorize the final contract payment.

4.3 Calderon Avenue Bike Lane Improvements, Project 16-39-Accept Construction.

Accept Calderon Avenue Bike Lane Improvements, Project 16-39, and authorize the final contract payment.

Vice Mayor Siegel recused himself from acting on this item.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Steven Goldstein expressed concerns with the City charging the Rental Housing Committee with the costs of litigation regarding the Community Stabilization and Fair Rent Act, and he requested that Council direct the City Attorney to request sanctions against the opposing Counsel.

Don Letcher expressed concerns with the City granting authority for a live entertainment land use permit for O'Malley's Sports Pub on Old Middlefield Way.

Blaine Dzwonczyk expressed concerns that the Caltrain road work conducted on Cristante Avenue will impact the residents living in their vehicles during the construction project. Ms. Dzwonczyk also expressed strong opposition to the Police Department towing vehicles that are being used for housing.

Alex Nunez spoke in support of the City holding an annual holiday recognizing June 19th as the day that slavery was abolished.

6. PUBLIC HEARING - None.

7. NEW BUSINESS

7.1 Valley Transportation Authority Board of Directors-Mountain View Nominee.

Public Works Director Fuller presented an oral staff report and he, and City Manager Rich, responded to Council's questions.

MOTION - MS - Siegel/McAlister - To nominate Councilmember McAlister as the first choice and Councilmember Abe-Koga as the second choice to stand for election as the Santa Clara Valley Transportation Authority Board member or alternate from the Group 2 Cities for the two-year term beginning January 1, 2018.

The motion carried by the following vote:

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

8. STUDY SESSION

8.1 Automated Guideway Transit Study Update.

Project consultants Jim Lightbody and Lea+Elliott, Inc., Senior Associate Jenny Baumgartner presented oral reports and they, and Public Works Director Fuller, responded to Council's questions.

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

Burford Furman, San Jose State Professor. Mr. Furman also responded to Council's questions.

Mark Roest, Powers Design International. Mr. Roest also responded to Council's questions.

Alex Nunez

Mike Kasperzak

Adina Levin, Friends of Caltrain

Robert Baertsch, skyTran founder. Mr. Baertsch also responded to Council's questions.

9. COUNCIL, STAFF/COMMITTEE REPORTS

Councilmember Abe-Koga reported on her attendance at the Silicon Valley Clean Energy Authority Board of Directors meeting.

Councilmember McAlister reported on his efforts in protecting small businesses against American with Disabilities Act predatory lawsuits.

Councilmember Matichak reported on her attendance at the Tenth Anniversary of Avenidas Village, as well as the groundbreaking event for the Anton apartment project at the corner of California Street and Ortega Avenue (with Councilmembers McAlister, Showalter and Mayor Rosenberg).

Councilmember Showalter reported on her attendance at the State of the Estuary Conference.

Mayor Rosenberg reported on his attendance at the Silicon Valley Leadership Group meeting.

10. CLOSED SESSION REPORT - City Attorney Quinn reported that earlier in Closed Session, Council considered two amicus curiae cases and that Council voted 7-0 to continue to participate in the County of Santa Clara v. Donald J. Trump, President of the United States of America, Case No. 17-cv-00574-WHO; U.S. District Court, Northern District of California, and the related case of the City and County of San Francisco v. Donald J. Trump Does 1 -100. Case. No. 17-cv-00485-WHO; U.S. District Court, Northern District of California.

City Attorney Quinn also reported that Council voted 7-0 to participate in the amicus curiae litigation Masterpiece Cakeshop, Ltd., et al., v. Colorado Civil Rights Commission, et al., United States Supreme Court Docket No. 16-111.

11. ADJOURNMENT - At 9:13 p.m., Mayor Rosenberg adjourned the meeting to the next Council meeting to be held on Tuesday, October 24, 2017 in the Plaza Conference Room, 500 Castro Street.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
CITY CLERK

KEN S. ROSENBERG
MAYOR