



Alison Hicks, Mayor/President
Pat Showalter, Vice Mayor/Vice President
Margaret Abe-Koga, Councilmember/Boardmember
Ellen Kamei, Councilmember/Boardmember
Lisa Matichak, Councilmember/Boardmember
Lucas Ramirez, Councilmember/Boardmember
Emily Ann Ramos, Councilmember/Boardmember

Kimbra McCarthy, City Manager/Community Manager
Jennifer Logue, City Attorney/Counsel
Heather Glaser, City Clerk/Secretary

May 23, 2023

Council Chambers and Video Conference, 500 Castro St., Mountain
View, CA 94041

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

This meeting was conducted with a virtual component. All members of the City Council/Shoreline Regional Park Community and all speakers participated in-person unless otherwise noted.

5:30 P.M.-CLOSED SESSION (COUNCIL CHAMBERS)

At 5:31 p.m., Mayor/President Hicks called the meeting to order.

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

City Attorney/Counsel Logue announced the items listed for Closed Session.

There were no public speakers in-person or virtually.

At 5:33 p.m., Mayor/President Hicks recessed the meeting to Closed Session with all Councilmembers/Boardmembers present.

2. CLOSED SESSION (PLAZA CONFERENCE ROOM)

2.1 Conference with Legal Counsel-Liability Claims (Government Code §54956.9(d)(2),(e)(3)); Claimant: Ella Kobzanets; Agency claimed against: City of Mountain View

2.2 Conference with Legal Counsel-Liability Claims (Government Code §54956.9(d)(2),(e)(3)); Claimant: Elizabeth Ruff; Agency claimed against: City of Mountain View

2.3 Acting in its capacity as Board of Directors of the Shoreline Regional Park Community and City Council; Conference with Real Property Negotiator (Government Code §54956.8); Property: 1 Amphitheatre Parkway Parking Lot C (APN: 116-20-043, portion of); Agency Negotiator: Angela LaMonica, Real Property Program Administrator; Dawn Cameron, Public Works Director; Negotiating Party: Google, LLC; Under Negotiation: Price and Terms of Lease

At 6:42 p.m., Closed Session concluded.

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

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

At 6:47 p.m., Mayor/President Hicks called the meeting to order.

Mayor Hicks led the Pledge of Allegiance.

2. ROLL CALL

Present: 7 - Councilmembers/Boardmembers Abe-Koga, Kamei, Matichak, Ramirez, Ramos, Vice Mayor/Vice President Showalter, Mayor/President Hicks

3. PRESENTATIONS

3.1 Asian American and Pacific Islander Heritage Month Proclamation

Mayor Hicks presented the proclamation to Nancy Gee.

3.2 Affordable Housing Month Proclamation

Mayor Hicks presented the proclamation to Olga Melo, Paula Pérez and Azucena Castañón with the Solidarity Fund.

There were no public speakers in-person or virtually.

4. CONSENT CALENDAR

Vice Mayor Showalter discussed Item 4.5.

There were no public speakers in-person or virtually.

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

The motion carried by the following vote:

Yes: 7 - Councilmembers/Boardmembers Abe-Koga, Kamei, Matichak, Ramirez, Ramos, Vice Mayor/Vice President Showalter, Mayor/President Hicks

4.1 Approve Minutes

Acting as the City Council and Board of Directors of the Shoreline Regional Park Community, approve the meeting minutes of March 14, 2023 and April 3, 2023.

4.2 Downtown Outdoor Patio and Sidewalk Café Ordinances (Second Reading)

1. Adopt Ordinance No. 7.2023 of the City of Mountain View Repealing Article XV of Chapter 36 (Zoning) of the Mountain View City Code to Repeal Sidewalk Cafés in the Downtown Area, Amending Section 36.44.65 (Development Review Procedures) Related to Outdoor Dining and Merchandise Displays, and Amending Other Sections of Chapter 36 for Consistency and Minor Amendments. (First reading: 7-0)

2. Adopt Ordinance No. 8.2023 of the City of Mountain View Repealing Article III (Merchant Vendors in Downtown Area) of Chapter 15 and Adding a New Section to Chapter 27 (Streets and Sidewalks) to Repeal the Sidewalk Café and Merchant Vendor Provisions and Replace Them with a New Outdoor Patio Program in the Downtown Area; and Amending Chapter 25 (Neighborhood Preservation), Chapter 26 (Public Amusements), and Chapter 27 (Streets and Sidewalks) for Consistency. (First reading: 7-0)

4.3 Renewal of Downtown Parking Maintenance and Operation Assessment District No. 2 for Fiscal Year 2023-24

Adopt Resolution No. 18800 of the City Council of the City of Mountain View Approving the Annual Engineer's Report for the Downtown Parking Maintenance and Operation Assessment District No. 2 and Approving the Levying of Assessments for Fiscal Year 2023-24.

4.4 Final Map Approval, Tract No. 10395, 1958 Latham Street

Adopt Resolution No. 18801 of the City Council of the City of Mountain View Approving the Final Map of Tract No. 10395, 1958 Latham Street, Accepting Dedications, and Making Findings as Required by the City Code.

4.5 Rescind Stage 2 Water Shortage Emergency Condition

Adopt Resolution No. 18802 of the City Council of the City of Mountain View Finding that a Stage 2 Water Shortage Emergency No Longer Exists, Rescinding the June 2022 Stage 2 Water Shortage Emergency Condition, and Reinstating Normal Water Supply Conditions.

4.6 City Records Retention Schedule Update

Adopt Resolution No. 18803 of the City Council of the City of Mountain View Amending the City's Records Retention Schedules and Rescinding Resolution No. 18179, Resolution No. 17500, and Resolution No. 17804.

4.7 334 San Antonio Road Mixed-Use Project - Corrections to Approval Resolutions

Adopt Resolution No. 18804 of the City Council of the City of Mountain View Amending Resolution No. 18722 Approving a Mixed-Use Residential Development and Resolution No. 18723 for a Vesting Tentative Map for Condominium Purposes at 334 San Antonio Road to Make Corrections to the Conditions of Approval and Other Minor Corrections.

4.8 Contribution Agreement with the Housing Trust Silicon Valley

Authorize the City Manager or designee to execute an agreement with Housing Trust Silicon Valley to provide the annual City contribution of \$150,000 in Fiscal Years 2023-24, 2024-25, and 2025-26 for a total contribution of \$450,000 over three years, subject to City Council appropriation of funds, to fund housing programs.

4.9 Safe Routes to School Program-Professional Services Agreement

1. Authorize the City Manager or designee to execute a professional services agreement with NN Engineering, Inc., to provide professional services for the Safe Routes to School program in the amount of \$222,000.

2. Appropriate an additional \$152,000 for the Fiscal Year 2022-23 Operating Budget in the Measure B Fund for the Safe Routes to School program to be reimbursed by the Santa Clara Valley Transportation Authority 2016 Measure B Bicycle/Pedestrian Education and Encouragement program. (Five votes required)

4.10 Colony Street Connection to Permanente Creek Trail, Project 18-48-Increase Project Budget and Award Construction Contract

1. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, transfer and appropriate \$250,000 from the Shoreline Regional Park Community Fund to Colony Street Connection to Permanente Creek Trail, Project 18-48.

2. Transfer and appropriate \$250,000 from the Park Land Dedication Fund to Colony Street Connection to Permanente Creek Trail, Project 18-48. (Five votes required)

3. Award the construction contract for the Colony Street Connection to Permanente Creek Trail, Project 18-48, to Robert A. Bothman Construction for \$1,028,000, including a \$100,000 construction contingency.

4.11 Fiscal Year 2023-24 Contracts for Outside Building Plan Checking, Inspection, Consultant, and Professional Services

Authorize the City Manager or designee to enter into consultant contracts for Fiscal Year 2023-24 for outside building plan checking, inspection, consultant, and professional support services with CSG Consultants, Inc., for \$225,000, and Shums Coda Associates for \$1,000,000, both contracts for services to be rendered from July 1, 2023 through June 30, 2024.

4.12 City Hall HVAC GHG Offsets, Phase I, Project 22-34 (Mountain View Senior Center), and Sustainability Projects, Project 20-99-Various Actions

1. Approve a Capital Improvement Program scope amendment to City Hall HVAC GHG Offsets, Phase I, Project 22-34 (Mountain View Senior Center) to include replacement of the two existing gas water heaters and gas kitchen appliances with all-electric heat pumps and cooking appliances.

2. Transfer and appropriate \$200,000 from the Construction/Conveyance Tax Fund and \$360,000 from Sustainability Projects, Project 20-99, to City Hall HVAC GHG Offsets, Phase I, Project 22-34. (Five votes required)

3. Accept \$497,000 in grant funds and appropriate the grant funds (revenues and expenditures) to City Hall HVAC GHG Offsets, Phase I, Project 22-34 (Mountain View Senior Center). (Five votes required)

4. Accept \$70,000 in grant funds and appropriate the grant funds (revenues and expenditures) to Sustainability Projects, Project 20-99. (Five Votes required)

5. Authorize the City Manager or designee to execute a capital project grant agreement with Silicon Valley Clean Energy for an amount not to exceed \$497,000 for City Hall HVAC GHG Offsets, Phase I, Project 22-34 (Mountain View Senior Center).

6. Authorize the City Manager or designee to execute a grant agreement with Silicon Valley Clean Energy for an amount not to exceed \$70,000 for community engagement with residents and community groups on building decarbonization initiatives.

7. Authorize the City Manager or designee to execute a professional services agreement with Aetypic, Inc., to provide design services for City Hall HVAC GHG Offsets, Phase I, Project 22-34 (Mountain View Senior Center), in a not-to-exceed amount of \$150,000.

4.13 Shoreline Park Water Control Structures Improvements, Project 23-44-Authorize Professional Services Agreement

Authorize the City Manager or designee to execute a professional services agreement with AECOM Technical Services, Inc., to provide design engineering and environmental clearance and permitting services for Shoreline Park Water Control Structures Improvements, Project 23-44, in a not-to-exceed amount of \$850,000.

4.14 Shoreline Lake Improvements Project, Construction, Project 20-36-Amend Construction Contract

Authorize the City Manager or designee to amend the construction contract with Gordon N. Ball, Inc., for Shoreline Lake Improvements Project, Construction, Project 20-36, to add \$200,000 to the contingency budget for a total not-to-exceed contract amount of \$2,341,875.

4.15 Mountain View Transportation Management Association Contract Amendment

Authorize the City Manager or designee to execute an amendment to the agreement with the Mountain View Transportation Management Association for Fiscal Year 2023-24 Community Shuttle service for an amount not to exceed \$3,393,350.

4.16 Amendment to 2017 Consent to Parking Sublease for Use of Lots C and D

Authorize the City Manager or designee to execute an amendment to the 2017 Consent to Parking Sublease and Subtenant Recognition Agreement with Google LLC for the use of Lots C and D at One Amphitheatre Parkway.

4.17 Amendment of Agreement with Community Legal Services of East Palo Alto for Legal Assistance and Services to Mountain View Tenants at the Housing and Eviction Help Center

1. Authorize expenditures by the Community Development Department in an amount not to exceed \$155,000 through June 30, 2025 for legal assistance and services to Mountain View tenants.

2. Authorize the City Manager or designee to execute an amendment to the professional services agreement with Community Legal Services of East Palo Alto, Inc., for legal support and assistance to Mountain View tenants, to increase maximum compensation by \$105,000 for a total not-to-exceed contract amount of \$155,000.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

The following member of the public spoke:

Alberto Lustic, on behalf of Carpenters Local 405, discussed responsible contractors.

6. NEW BUSINESS

6.1 Adopt a Resolution Governing Compensation Related to CalPERS Cost-Share for All Unrepresented Safety PEPRA Employees

Senior Human Resources Analyst Ada Chang presented the item.

There were no public speakers in-person or virtually.

MOTION - MS - Kamei/Ramirez - To:

Adopt Resolution No. 18806 of the City Council of the City of Mountain View to Modify CalPERS Cost-Share Contributions for All Unrepresented Safety Public Employees' Pension Reform Act Employees.

The motion carried by the following vote:

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

6.2 North Bayshore Precise Plan Bonus Office Floor Area Ratio Authorization

Councilmember Ramirez disclosed he spoke with the applicant. Councilmember Matichak disclosed she spoke with the applicant. Councilmember Abe-Koga disclosed she spoke with the applicant. Councilmember Ramos disclosed she spoke with the applicant. Councilmember Kamei disclosed she met with a representative of the applicant. Vice Mayor Showalter disclosed she met with a representative of the applicant. Mayor Hicks disclosed she met with the applicant and a representative of the applicant.

Senior Planner Ellen Yau presented the item.

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

Applicant Jeff Morris from the Jeffrey A. Morris Group and Bob Perry from Gensler presented.

The Council directed questions to City staff and the applicant.

The following member of the public spoke:

(Virtual) Peter Katz, on behalf of the Mountain View Chamber of Commerce.

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

1. Find that the determination on authorization to apply for development permits for Bonus Office Floor Area Ratio is not a project under the California Environmental Quality Act.
2. Direct staff to return with a resolution approving the North Bayshore Precise Plan Nonresidential Bonus Office Floor Area Ratio (FAR) request from The Jeffrey A. Morris Group, Inc., for an allocation of 86,994 net new office square feet at 1808 North Shoreline Boulevard.
3. Direct staff to update the North Bayshore Bonus Floor Area Ratio Review Guidelines to provide more clarity regarding the process and requirements.

The motion carried by the following vote:

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

7. PUBLIC HEARING

7.1 189 North Bernardo Avenue Office Project

At 8:53 p.m., Councilmember Abe-Koga left the dais.

Associate Planner Brittany Whitehill presented the item.

Assistant Community Development Director Lindsay Hagan was available for questions.

At 8:57 p.m., Councilmember Abe-Koga returned to the dais, and Councilmember Ramirez left the dais.

At 9:03 p.m., Councilmember Ramirez returned.

Applicant Steve Lynch from Sandhill Property Company and Ken Rodrigues from Kenneth Rodrigues and Partners presented.

The Council directed questions to the applicant and City staff.

The following members of the public spoke:

Alex Brown
(Virtual) Bruce England

MOTION - MS - Kamei/Ramirez - To:

1. Adopt the Initial Study of Environmental Significance for the 189 North Bernardo Avenue Office Project and determine that the project is consistent with the East Whisman Precise Plan Final Environmental Impact Report and Mountain View 2030 General Plan and Greenhouse Gas Reduction Program Final

Environmental Impact Report, pursuant to Sections 15162 and 15183 of the California Environmental Quality Act Guidelines (Attachment 1 to the Council report).

2. Adopt Resolution No. 18806, of the City Council of the City of Mountain View, amended to add language to Condition of Approval No. 35 requiring the applicant to work with staff to modify the proposed exterior lighting to include exterior lighting fixtures recommended by the International Dark-Sky Association where feasible, Approving a Planned Community Permit and Development Review Permit to Construct a Four-Story, 82,865 Square Foot Office Building, a Parking Structure with Four Levels Above-Grade and Two Levels Below, and Minor Building Modifications to an Existing Two-Story Office Building to Remain On-Site; a Transfer of Development Rights of 28,000 Square Feet from 2535 California Street, 506 Showers Drive, and 350 Showers Drive to the Project Site in Relation to the Los Altos School District Transfer of Development Rights Program; and a Heritage Tree Removal Permit to Remove 61 Heritage Trees, All on a 3.8-Acre Site Located at 189 North Bernardo Avenue.

The motion carried by the following vote:

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

8. COUNCIL, STAFF/COMMITTEE REPORTS

At 9:28 p.m., Councilmember Kamei left the dais.

Councilmember Abe-Koga stated she attended a Cities Association of Santa Clara County Executive Board meeting.

Vice Mayor Showalter stated she attended the Leadership Mountain View Sustainability Day.

At 9:31 p.m., Councilmember Kamei returned to the dais.

Vice Mayor Showalter stated she attended the South Bay Salt Pond Restoration Project Stakeholder Forum.

Councilmember Matichak stated she attended meetings of the Council Transportation Committee and the Bay Area Water Supply and Conservation Agency Board of Directors.

Councilmember Kamei stated she attended meetings of the Council Transportation Committee and the Council Youth Services Committee.

Vice Mayor Showalter stated she attended a Council Neighborhood Committee meeting.

Councilmember Ramos stated she attended meetings of the Council Youth Services Committee and the Council Neighborhood Committee.

Mayor Hicks stated she joined mayors from the cities of Santa Clara and Sunnyvale to welcome United

States Vice President Kamala Harris at Moffett Federal Airfield.

9. CLOSED SESSION REPORT

City Attorney Logue stated the City Council took final action on Item 2.1 on the Closed Session agenda, which was a conference with legal counsel regarding a liability claim filed by Ella Kobzanets against the City of Mountain View. She stated Ms. Kobzanets' claim sought \$703,796 in damages for injuries she sustained as a result of a trip and fall accident on West Dana Street in Mountain View. She stated the City Council voted with 7 ayes, 0 noes and 0 abstentions to deny the claim.

City Attorney Logue stated the City Council took final action on Item 2.2 on the Closed Session agenda, which was a conference with legal counsel regarding a liability claim filed by Elizabeth Ruff against the City of Mountain View. She stated Ms. Ruff's claim sought \$10,000,000 in damages for injuries she sustained during a surgery performed at El Camino Hospital. She stated the City Council voted with 7 ayes, 0 noes and 0 abstentions to deny the claim.

10. ADJOURNMENT

At 9:43 p.m., Mayor/President Hicks adjourned the meeting.