



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

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

December 13, 2022

Video Conference with No Physical Meeting Location

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

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/Shoreline Regional Park Community participated in the meeting by video conference, with no physical meeting location.

5:30 P.M.-CLOSED SESSION

At 5:30 p.m., Mayor Ramirez called the meeting to order.

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

City Attorney Logue stated Item 2.1 had been pulled and would not be considered by the Council. She announced the item listed that would be considered in Closed Session.

There were no public speakers.

At 5:32 p.m., Mayor Ramirez recessed the meeting to Closed Session with all Councilmembers present.

2. CLOSED SESSIONS

2.1 Conference with Legal Counsel - Anticipated Litigation; Initiation of Litigation pursuant to Government Code §54956.9(d)(4) (1 potential case)

Item 2.1 was not considered by the Council in Closed Session.

2.2 Conference with Legal Counsel-Existing Litigation (Government Code §54956.9(d)(1)); Name of case: San Francisco Baykeeper v. City of Mountain View; et. al., United State District Court, Northern District of California, Case No. 20-cv-00824-EJD

At 6:19 p.m., Closed Session concluded.

6:30 P.M.-REGULAR SESSION

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

At 6:30 p.m., Mayor/President Ramirez called the meeting to order and led the Pledge of Allegiance.

2. ROLL CALL

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

3. PRESENTATION**3.1 Proclamation in Recognition of Finance and Administrative Services Director Jesse Takahashi on His Retirement**

Mayor Ramirez presented the proclamation to Finance and Administrative Services Director Jesse Takahashi.

There were no public speakers.

4. CONSENT CALENDAR

Vice Mayor Hicks recused herself from voting on Item 4.3 because of her business entity interest in a Siemens Healthineers, a medical technology company, located within close proximity of the Park Plan area.

There were no public speakers.

MOTION - M/S - Abe-Koga/Kamei - To approve the Consent Calendar.

The motion carried, except for Item 4.3, by the following roll call vote:

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

4.1 Ordinances Amending Chapters 8, 14, and 24 of the City Code to Adopt the 2022 California and 2021 International Codes, Incorporating by Reference Other Uniform Codes and Reach Codes (Second Reading)

1. Adopt Ordinance No. 15.22 of the City of Mountain View Amending Chapter 8, Articles I through XIV, of the Mountain View City Code, Relating to the Adoption of the 2022 California Building Codes, Incorporating by Reference Other International and Uniform Codes, and Adoption of the 2021 International Property Maintenance Code and 1997 Uniform Code for the Abatement of Dangerous Buildings. (First reading: 7-0)

2. Adopt Ordinance No. 16.22 of the City of Mountain View Amending Chapter 14, Articles I and II, of the Mountain View City Code, Relating to the Adoption of the 2021 International Fire Code, Incorporating by Reference the Amendments Adopted by the State of California to Establish the 2022 California Fire Code. (First reading: 7-0)

3. Adopt Ordinance No. 17.22 of the City of Mountain View Amending Chapter 24 of the Mountain View City Code Relating to Hazardous Materials. (First reading: 7-0)

4.2 Construction and Demolition Debris Ordinance (Second Reading)

Adopt Ordinance No. 18.22 of the City of Mountain View Amending Chapter 16, Article III of the Mountain View City Code Governing Construction and Demolition Debris Diversion and Finding This Ordinance Exempt

from California Environmental Quality Act Review Pursuant to California Environmental Quality Act Guidelines Section 15308 (14 CCR § 15308). (First reading: 7-0)

4.3 Middlefield Park Master Plan Development Agreement Ordinance (Second Reading)

Adopt Ordinance No. 19.22 of the City of Mountain View Approving a Development Agreement for the Middlefield Park Master Plan Project Generally Located at the Northeast Corner of Ellis Street and East Middlefield Road and North of West Maude Avenue, Between Logue Avenue and Clyde Avenue, Mountain View, California. (First reading: 6-0-1; Hicks recused)

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

Recused: 1 - Vice Mayor Hicks

4.4 1265 Montecito Avenue - Zoning Map Amendment (Second Reading)

Adopt Ordinance No. 20.22 of the City of Mountain View Approving a Zoning Map Amendment from the CN (Neighborhood Commercial) Zoning District to the R4 (High-Density Residential) Zoning District for the Property Located at 1265 Montecito Avenue. (First reading: 7-0)

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

Adopt Resolution No. 18747 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.

4.6 Certification of Official Election Returns - November 8, 2022 General Municipal Election

Adopt Resolution No. 18748 of the City Council of the City of Mountain View Reciting the Fact of the General Municipal Election held on November 8, 2022, Declaring the Result, and Such Other Matters as Provided by Law.

4.7 Appoint Advisory Body Members

Adopt Resolution No. 18749 of the City Council of the City of Mountain View Appointing John Stone to the Bicycle/Pedestrian Advisory Committee; Appointing Kristin Higaki and Eric Nehrllich to the Board of Library Trustees; Reappointing Mike Kasperzak, Marina Keith, David Lin, Kira Pascoe, and Jamil Shaikh and Appointing Anne Cavanaugh and Money Singh to the Downtown Committee; Reappointing William Cranston and Jose Gutierrez to the Environmental Planning Commission; Reappointing IdaRose Sylvester and Xavier Webb and Appointing Jocelyn Baird, Erik Poicon, and Molly Smith to the Human Relations Commission; Reappointing Ronit Bryant to the Parks and Recreation Commission; and Reappointing Yao Yao and Appointing Heather Perez to the Performing Arts Committee.

4.8 Revised Salary Plan for Hourly Employees and New Position Requests for Fiscal Year 2022-23

1. Adopt Resolution No. 18750 of the City Council of the City of Mountain View Authorizing the City Manager or Designee to Amend the City of Mountain View's Salary Plan for Hourly Employees to Ensure All Classifications Reflect Mountain View's Minimum Wage.

2. Authorize two new positions: Assistant City Manager and Senior Assistant City Attorney.

3. Transfer and appropriate \$393,550 from the General Fund Reserve to the City Attorney's Office (\$178,550) and City Manager's Office (\$215,000) to fund the cost of the positions for the remainder of the fiscal year.

4.9 2020/21 City Bridges and Culverts Structural Inspection and Repairs, Project 21-52-Authorize Professional Services Agreement

Authorize the City Manager or designee to execute a professional services agreement with Biggs Cardosa Associates, Inc., of San Jose to provide inspection and design services for 2020/21 City Bridges and Culverts Structural Inspection and Repairs, Project 21-52, in an amount not to exceed \$155,000.

4.10 Accept and File Fiscal Year 2021-22 Annual Comprehensive Financial Report and Related Auditor Reports

Accept and file the following reports pertaining to Fiscal Year 2021-2022: (1) City of Mountain View's Annual Comprehensive Financial Report with Independent Auditor's Report (Attachment 2 to the Council report); (2) Article XIII-B Appropriations Limit Agreed-Upon Procedures Report (Attachment 3 to the Council report); and (3) Report to the City Council-Required Communications (Attachment 4 to the Council report).

4.11 Agreement with Mountain View Community Television (KMVT) for Public and Government Access Channel Management

Authorize the City Manager or designee to execute an agreement with Mountain View Community Television for public and government access channel management.

4.12 Santa Clara County Civil Grand Jury Report Response-Ballot Questions

Approve the City's response to the 2022 Santa Clara County Civil Grand Jury's final report, "If You Only Read the Ballot, You're Being Duped" (Attachment 1 to the Council report).

4.13 Biennial Real Estate Technical and Legal Services, Project 22-26-Appropriate Funding

1. Transfer and appropriate \$50,000 from the Construction/Conveyance Tax Fund and \$40,000 from the Park Land Dedication Fund to Biennial Real Estate Technical/Legal Services, Project 22-26. (Five votes required)

2. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, transfer and appropriate \$40,000 from the Shoreline Regional Park Community Fund to Biennial Real Estate Technical/Legal Services, Project 22-26.

4.14 Funding Agreement with Community Services Agency for Rent Relief and Other Direct Financial Assistance Programs

Authorize the City Manager or designee to execute an amendment to the agreement with the Community Services Agency to increase funding by \$557,228.12, for a total amount not to exceed \$5,401,144.12, for the direct financial assistance program, including rent relief, and related programs.

4.15 Planned and Emergency Facilities Projects, Projects 18-18 and 20-18, Recycling Center Building

Retrofit-Variou s Actions

1. Accept the bid withdrawal of the apparent low bidder, EVRA Construction, Inc., of San Francisco, for Planned and Emergency Facilities Projects, Projects 18-18 and 20-18, Recycling Center Building Retrofit, without forfeiting its bid security on the basis that a material and clerical error was made in assembling the bid, as provided in Section 5103 of the California Public Contract Code.
2. Transfer and appropriate \$610,000 from the Construction/Conveyance Tax Fund to Planned and Emergency Facilities Projects, Project 20-18, Recycling Center Building Retrofit. (Five votes required)
3. Award the construction contract for Planned and Emergency Facilities Projects, Projects 18-18 and 20-18, Recycling Center Building Retrofit, to Southwest Construction & Property Management, for \$1,112,200, including a \$101,180 construction contingency.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

The following members of the public spoke:

- Yakov Shkolnikov from Mountain View discussed recreational vehicle parking on Ortega Avenue.
Xingwei Mo discussed recreational vehicle parking on Ortega Avenue.
Maxwell Sutton from Mountain View discussed recreational vehicle parking on Ortega Avenue.
Natalia Kliushkina from Mountain View discussed recreational vehicle parking on Ortega Avenue.
Dennis discussed recreational vehicle parking on Ortega Avenue.
Zoom #1 PA United from Mountain View discussed recreational vehicle parking on Ortega Avenue.
Li Zhang discussed recreational vehicle parking in the City.
Victoria Tovmasyan from Mountain View discussed recreational vehicle parking in the City and on Ortega Avenue.
Shachi Pande from Mountain View discussed recreational vehicle parking on Ortega Avenue.
MY from Mountain View discussed recreational vehicle parking on Ortega Avenue.
James Kuszmaul discussed residents living in recreational vehicles.
Alex Brown discussed fire hazards.
Bruce England from Mountain View discussed residents living in recreational vehicles.
Edie Keating discussed recreational vehicle parking in the City.

6. STUDY SESSION**6.1 Revised 2023-2031 Draft Housing Element**

The purpose of this Study Session was for the City Council to review the revised Draft Housing Element and provide direction to staff regarding modifications, including the addition of alternate programs.

Senior Planner Ellen Yau presented the item.

Assistant City Manager/Community Development Director Aarti Shrivastava, Advanced Planning Manager Eric Anderson, Housing and Neighborhood Services Manager Micaela Hellman-Tincher and Stephanie Hagar,

Associate Principal, BAE Urban Economics were available for questions.

The following members of the public spoke:

Bruce England from Mountain View.

James Kuszmaul

Ali Sapirman, on behalf of the Housing Action Coalition.

Pamela Campos, on behalf of Parent Voices.

Emily Ann Ramos, on behalf of Silicon Valley at Home.

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

Isaac Stone

Bee Hanson

Robert Cox indicated agreement with Bee Hanson.

Alex Brown

Anna Marie

Vice Mayor Hicks recused herself from discussion regarding:

1. Whether to add a program to rezone the Downtown Precise Plan due to the proximity of her residence to the Downtown Precise Plan area; and
2. Whether to add properties northeast of the Castro Street/El Camino Real intersection to the site inventory, with or without rezoning, due to the proximity of her residence to the project site, the potential for rezoning, and the potential sale of City streets in relation to the Castro Commons project.

Councilmember Abe-Koga recused herself from discussion regarding:

1. Whether to add a program to rezone the Downtown Precise Plan due to the proximity of her residence to the Downtown Precise Plan area; and
2. Whether to add properties northeast of the Castro Street/El Camino Real intersection to the site inventory, with or without rezoning, due to the proximity of her residence to the project site, the potential for rezoning, and the potential sale of City streets in relation to the Castro Commons project.

Councilmember Lieber recused herself from discussion regarding:

1. Whether to add a program to rezone the Downtown Precise Plan due to the proximity of her residence to the Downtown Precise Plan area; and
2. Whether to add properties northeast of the Castro Street/El Camino Real intersection to the site inventory, with or without rezoning, due to the proximity of her residence to the project site, the potential for rezoning, and the potential sale of City streets in relation to the Castro Commons project; and
3. Program 1.4: Religious and Community Assembly Sites for Housing and discussion on neighborhood shopping areas other than General Plan Village Centers as back-pocket sites in Program 1.11 due to the proximity of her residence to sites being considered for inclusion and rezoning.

At 8:05 p.m., Vice Mayor Hicks, Councilmember Abe-Koga and Councilmember Lieber left the meeting.

The Council did not provide direction on Castro Commons or rezoning the Downtown Precise Plan.

At 8:28 p.m., Vice Mayor Hicks and Councilmember Abe-Koga rejoined the meeting.

The Council did not provide direction on Program 1.4 and neighborhood shopping areas in Program 1.11.

At 8:56 p.m., Councilmember Lieber rejoined the meeting.

The Council indicated support for the revised Draft Housing Element. A majority of the Council indicated support for: 1) including a program to eliminate parking requirements for 100% affordable housing; 2) creating a reasonable discount for 1500 North Shoreline property to reflect what could be expected to be built within the Housing Element period; and 3) if the California Department of Housing and Community Development determines that the proposed sites inventory does not meet the requirements for affirmatively furthering fair housing, consider including City-owned property (to the extent it is suitable for residential use and does not have other limitations or obligations such as leases, etc.).

MOTION - M/S - Ramirez/Kamei - At 10:04 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 Matchak, Councilmember Showalter, Vice Mayor Hicks, Mayor Ramirez

At 10:04 p.m., Mayor Ramirez left the meeting.

7. PUBLIC HEARING - None.

8. COUNCIL, STAFF/COMMITTEE REPORTS

Councilmember Abe-Koga stated she spoke on a panel at the Center on Budget and Policy Priorities Annual Conference.

Councilmember Matchak stated she attended an Interim Castro Street Pedestrian Mall Ad Hoc Committee meeting.

Councilmember Lieber announced she would resign from her City Council seat effective December 30, 2022, when she would take her oath of office as a member of the California State Board of Equalization.

9. CLOSED SESSION REPORT

City Attorney Logue stated there was no Closed Session report.

10. ADJOURNMENT

At 10:13 p.m., Vice Mayor/Vice President Hicks adjourned the meeting.