



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

Ken S. Rosenberg, Councilmember
Patricia Showalter, Councilmember
Lisa Matichak, Vice Mayor

Daniel H. Rich, City Manager
Lisa Natusch, City Clerk

Leonard Siegel, Mayor

Jannie L. Quinn, City Attorney

October 23, 2018

Council Chambers, 500 Castro St., Mountain View

**JOINT MEETING OF THE CITY COUNCIL (REGULAR), SHORELINE REGIONAL
PARK COMMUNITY (SPECIAL), AND THE CITY OF MOUNTAIN VIEW CAPITAL
IMPROVEMENTS FINANCING AUTHORITY (SPECIAL)**

**COUNCILMEMBER JOHN MCALISTER PARTICIPATED IN THE MEETING BY
TELECONFERENCE PURSUANT TO GOVERNMENT CODE SECTION 54953(b) FROM
THE HILTON HAWAIIAN VILLAGE, 2005 KALIA ROAD, TIARE SUITE, HONOLULU,
HAWAII 96815. THE TELECONFERENCE LOCATION WAS ACCESSIBLE TO THE
PUBLIC AND THE AGENDA FOR THE MEETING WAS POSTED AT THAT LOCATION
PURSUANT TO GOVERNMENT CODE SECTION 54953(b)(3). MEMBERS OF THE
PUBLIC HAD THE OPPORTUNITY TO ADDRESS THE LEGISLATIVE BODY AT THIS
LOCATION.**

5:00 P.M.-STUDY SESSION (COUNCIL CHAMBERS)

1. CALL TO ORDER

Mayor Siegel called the meeting to order at 5:01 p.m. in Council Chambers.

2. ROLL CALL

Present: 4 - Councilmember Abe-Koga, Councilmember Clark, Vice Mayor
Matichak, Mayor Siegel

Absent: 3 - Councilmember McAlister, Councilmember Rosenberg,
Councilmember Showalter

City Attorney Jannie Quinn announced that the absences by Councilmember Showalter and Councilmember McAlister are recusals from participation due to their interests in real property near the park.

3. STUDY SESSION

3.1 777 West Middlefield Road-Modifications to Residential Gatekeeper Project

Senior Planner Diana Pancholi presented the staff report. City Attorney Jannie Quinn and Assistant Community Development Director Wayne Chen provided additional information. Mountain View Whisman School District Superintendent Ayindé Rudolph responded to Council questions.

Applicant Perry Hariiri, FortBay, provided information regarding the proposed project.

Public Comment opened at 5:19 p.m.

The following members of the public spoke:

Albert Jeans, and provided a presentation

Dale Kuersten

Ellen Wheeler, Board Member, Mountain View Whisman School District

Ayindé Rudolph, Superintendent, Mountain View Whisman School District

Laura Blakely, Board President, Mountain View Whisman School District

Heidi Smith, Director of Federal, State and Strategic Programs, Mountain View Whisman School District

Adnan Raja

Serge Bonte

Greg Coladonato, Board Vice President, Mountain View Whisman School District

David Watson

Steven Nelson

Oscar Cortez

Public Comment closed at 5:43 p.m.

The Study Session concluded at 6:11 p.m.

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

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Siegel called the meeting to order at 6:32 p.m. in Council Chambers and led the Pledge of Allegiance.

2. ROLL CALL

Present: 6 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

Absent: 1 - Councilmember Rosenberg

Councilmember McAlister participated in the meeting by teleconference from The Hilton Hawaiian Village, 2005 Kalia Road, Tiare Suite, Honolulu, Hawaii 96815.

Councilmember Showalter arrived at 6:36 p.m.

3. PRESENTATION

3.1 Proclamation in Recognition of Community Development Director Randy Tsuda on His Retirement

Mayor Siegel presented a proclamation to Community Development Director Randy Tsuda in recognition of his upcoming retirement.

Community Development Director Tsuda provided comments.

4. **CONSENT CALENDAR**

Mayor Siegel stated Councilmember Clark and Councilmember McAlister would be recused from participating in Item 4.9.

Member of the public David King requested to pull Item 4.9 from the Consent Calendar and provided comments.

Member of the public Alvin Cura requested to pull Item 4.2 from the Consent Calendar and provided comments.

Three unidentified members of the public spoke regarding Item 4.2.

Councilmember Clark stated he and Councilmember McAlister would be recused from participation in Item 4.9 due to financial interests in real property under the Political Reform Act.

MOTION - M/S - Clark/Showalter - To approve the Consent Calendar with the exception of Items 4.9 and 4.2.

The motion carried by the following vote:

Yes: 6 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

Absent: 1 - Councilmember Rosenberg

Following action on the balance of the Consent Calendar, Council considered pulled Item 4.9.

4.1 **Approve Meeting Minutes**

Approve the Council Meeting Minutes of October 16, 2018 and the Shoreline Regional Park Community Minutes of October 16, 2018.

4.2 **Establishment of Cannabis Business Regulation Ordinances (Second Reading)**

This item was considered following action on Item 4.9.

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

1. Adopt Ordinance No. 9.18 Repealing Ordinance No. 1.18, an Interim Urgency Ordinance Extending the Prohibition of Commercial Cannabis Activity in All Zoning Districts within the City, Excluding Cannabis Delivery Services from State and Locally Licensed Cannabis Retailers with Physical Premises Located Outside of the City of Mountain View and

Provided Deliveries Are Conducted in Accordance with the Licensing Jurisdictions' Rules for Cannabis Delivery for Ten (10) Months and Fifteen (15) Days, and Amending Article V, Division 2, Article VI, Divisions 2 and 3, Article VII, Section 36.22.10, Article IX, Division 11, and Article XVII, Division 2, and adding Division 21 to Article XIV to Establish Cannabis Regulations, read in title only, further reading waived (Attachment 1 to the Council report).

2. Adopt Ordinance No. 10.18 Repealing Chapter 9, Article IV Regarding Medical Marijuana Dispensaries and Replacing It with a New Chapter 9, Article IV Regarding Cannabis Businesses, read in title only, further reading waived (Attachment 2 to the Council report).

The motion carried by the following vote:

Yes: 4 - Councilmember Clark, Councilmember McAlister, Councilmember Showalter, Mayor Siegel

No: 2 - Councilmember Abe-Koga, Vice Mayor Matichak

Absent: 1 - Councilmember Rosenberg

Following action on Item 4.2, Council proceeded with Oral Communications.

4.3 Continue Second Reading of Ordinance Adding Chapter 44 to the Mountain View City Code Related to Short-Term Rental of Residential Property

Continue the second reading of the Ordinance Adding Chapter 44 to the Mountain View City Code Related to Short-Term Rental of Residential Property to November 13, 2018.

4.4 Adoption of an Ordinance of the City of Mountain View Amending Procedures for Leasing Property in Excess of 55 Years (Second Reading)

Adopt Ordinance No. 11.18 of the City of Mountain View Amending Procedures for Leasing Property in Excess of 55 Years, read in title only, further reading waived (Attachment 1 to the Council report).

4.5 1991 Sun-Mor Avenue-Accept Public Improvements

Accept the public improvements for the development at 1991 Sun-Mor Avenue for maintenance throughout their useful lives.

4.6 Notice of Intention to Vacate Public Service Easements at 700 and 800 East Middlefield Road and 1100 Maude Avenue

Adopt Resolution No. 18256, A Resolution of Intention to Vacate Public Service Easements at 700 and 800 East Middlefield Road and 1100 Maude Avenue, read in title only, further reading waived (Attachment 1 to the Council report), and set a date for a public hearing to consider the vacation for November 27, 2018.

4.7 Final Map Approval, Tract No. 10427, 858 Sierra Vista Avenue

Adopt Resolution No. 18257 Approving the Final Map of Tract No. 10427, Accepting

Dedications and Making Findings as Required by the City Code, read in title only, further reading waived (Attachment 1 to the Council report).

4.8 Updated Master Agreement Administering Agency-State Agreement for Federal-Aid Projects No. 04-5124R

Adopt Resolution No. 18258 Approving Updated Master Agreement Administering Agency-State Agreement for Federal-Aid Projects No. 04-5124R, read in title only, further reading waived (Attachment 1 to the Council report).

4.9 Community Garden at South Shoreline Boulevard and Latham Street, Project 17-44-Approve Plans and Specifications and Garden Name

Councilmember Clark left the Council Chambers.

Senior Civil Engineer Anne Marie Starr responded to Council questions.

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

1. Approve plans and specifications for the construction of a new community garden at the corner of South Shoreline Boulevard and Latham Street and authorize the project for bidding.
2. Approve "Latham Community Garden" as the name of the new community garden.

The motion carried by the following vote:

- Yes:** 4 - Councilmember Abe-Koga, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel
- Absent:** 1 - Councilmember Rosenberg
- Recused:** 2 - Councilmember Clark, Councilmember McAlister

Following action on Item 4.9, Councilmember Clark returned to the Council Chambers and took his seat at the dais. Council proceeded to consider Item 4.2.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Alvin Cura, member of St. Joseph Parish, apologized that their bell went off in the middle of the night due to an issue with the timer, and provided information regarding the history of the bell.

Albert Jeans spoke regarding transitions between new developments and existing neighborhoods, and provided a presentation.

Serge Bonte spoke regarding district-based elections and suggested the City Council be proactive.

David King spoke regarding the ordinance related to short term rentals.

6. PUBLIC HEARING

6.1 1255 Pear Avenue Mixed-Use Development Project, Summary Vacation of Public Easements, and Direction Regarding Potential Amendments to the Parkland Dedication Ordinance

Principal Planner Martin Alkire presented the staff report. Community Services Director J.P. de la Montaigne, City Attorney Jannie Quinn and Assistant Community Development Director Wayne Chen provided additional information.

Applicant Tim Steele, Senior Vice President, Real Estate Development, The Sobrato Organization, and Architect Chek Tang, Principal, Studio T Square, provided information regarding the proposed project.

Public Hearing opened at 8:07 p.m.

The following members of the public spoke:

Jeff Harding, Superintendent, Mountain View/Los Altos High School District

Olivia Navarro, on behalf of Laborers Union Local 270

Laura Blakely, Board President, Mountain View Whisman School District

David Watson

Fiona Walter, Board President, Mountain View/Los Altos High School District

Public Hearing closed at 8:20 p.m.

Jack Schrader, Jack Schrader & Associates, responded to Council questions.

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

1. Approve the Initial Study of Environmental Significance for the mixed-use multi-family and office development project at 1255 Pear Avenue, pursuant to Section 15168 of the California Environmental Quality Act (CEQA) (Attachment 1 to the Council report).
2. Adopt Resolution No. 18259 Conditionally Approving a Planned Community Permit and a Development Review Permit for a New Mixed-Use Development Consisting of a 231,210 Square Foot Office Building and 635 New Multi-Family Residential Units, Retaining an Existing 156,317 Square Foot Office Building and Demolishing an Existing 103,513 Square Foot Industrial Building at the Site, and a Heritage Tree Removal Permit to Remove 84 Heritage Trees at 1255 Pear Avenue, read in title only, further reading waived (Attachment 2 to the Council report).
3. Adopt Resolution No. 18260 Conditionally Approving a Tentative Subdivision Map at 1255 Pear Avenue, read in title only, further reading waived (Attachment 3 to the Council report).

4. Adopt Resolution No. 18261 Ordering the Summary Vacation of Public Easements at 1255 Pear Avenue, read in title only, further reading waived (Attachment 4 to the Council report).

5. Direct staff to review and bring back the Parkland Dedication Ordinance to develop a framework of credits for publicly accessible private open space, and provide Sobrato a credit of up to 75% of the 1.03 acre publicly accessible private open space site and require a voluntary contribution to the school districts at \$12 million total.

FRIENDLY AMENDMENT: Councilmember Clark offered a friendly amendment that when the Parkland Dedication Ordinance comes back to Council that it include the ability for Council to approve alternative mitigations such as this one, and if staff develops a framework for credits, that we would generally only apply credits in the North Bayshore Area as opposed to other parts of the City, but still leave in the alternative mitigation language that allows Council flexibility.

Councilmember Clark clarified that the credit process should come to Council as the staff recommendation and that the credit be approved at Council's discretion on a case by case basis, as opposed to assuming the credit is baked in.

Councilmember Abe-Koga and Councilmember Showalter accepted the friendly amendment.

FRIENDLY AMENDMENT: Vice Mayor Matichak offered a friendly amendment to include that the applicant work with staff to re-work what is happening in the 1.03 acres, such as the addition of more amenities, more active uses, potentially moving the path and making the patios smaller so that it is more of an active space; leaving it up to staff to determine what is best.

Councilmember Abe-Koga and Councilmember Showalter accepted the friendly amendment.

FRIENDLY AMENDMENT: Vice Mayor Matichak offered a friendly amendment to include that the developer work with the residents of Santiago Villa.

Following discussion, Councilmember Clark suggested to require the developer, subject to the neighborhood coming to an agreement on a solution, to monitor vibration and provide mitigation.

Councilmember Abe-Koga and Councilmember Showalter accepted the friendly amendment.

The motion as amended by friendly amendments carried by the following vote:

Yes: 5 - Councilmember Abe-Koga, Councilmember Clark, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

No: 1 - Councilmember McAlister

Absent: 1 - Councilmember Rosenberg

Council recessed at 9:19 p.m.

Council reconvened at 9:37 p.m. with Councilmember Rosenberg and Councilmember McAlister absent.

Councilmember McAlister re-joined the meeting at 9:40 p.m.

7. UNFINISHED BUSINESS

7.1 Authorization to Execute and Deliver an Installment Sale Agreement and Assignment Agreement to Fund Wastewater Infrastructure Capital Projects

Assistant Finance and Administrative Services Director Suzy Neiderhofer presented the staff report.

Public Comment opened at 9:45 p.m.

No speakers.

Public Comment closed at 9:45 p.m.

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

City of Mountain View Actions:

1. Adopt Resolution No. 18262 Approving an Installment Sale Agreement and Approving Final Form of Financing Documents and Official Actions, read in title only, further reading waived (Attachment 1 to the Council report).

2. Appropriate up to \$300,000 in the Wastewater Fund for interest expense for Fiscal Year 2018-19 and other related costs for the loan.

City of Mountain View Capital Improvements Financing Authority Actions:

3. Adopt Resolution FA-16 of the Board of Directors of the City of Mountain View Capital Improvements Financing Authority Approving an Installment Sale Agreement and Assignment Agreement and Approving Final Form of Financing Documents and Official Actions, read in title only, further reading waived (Attachment 2 to the Council report).

4. Adopt Resolution FA-17 of the Board of Directors of the City of Mountain View Capital Improvements Financing Authority Setting Time and Place of Regular Meetings, read in title only, further reading waived (Attachment 3 to the Council report).

The motion carried by the following vote:

Yes: 6 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

Absent: 1 - Councilmember Rosenberg

8. NEW BUSINESS**8.1 Transfer of Michaels at Shoreline Restaurant Operations to Touchstone Golf, LLC**

Real Property Program Administrator Dennis Drennan presented the staff report. Assistant Public Works Director Dawn Cameron provided additional information.

Public Comment opened at 9:58 p.m.

The following member of the public spoke:
Joan MacDonald

Public Comment closed at 9:59 p.m.

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

1. Approve the request of the tenant to terminate the Michaels at Shoreline lease between the City of Mountain View and The Faravelli Company, Inc., to be effective December 31, 2018.
2. Approve a payment of \$88,000 as full satisfaction for the acquisition of all tangible and intangible assets of Michaels at Shoreline, following satisfaction of rents owed to the City by the tenant.
3. Approve an amendment to the Golf Course Management Agreement between the City of Mountain View and Touchstone Golf, LLC, to incorporate the terms and conditions recommended in this report.
4. Increase budgeted revenues and appropriate \$825,000 in expenditures in the Shoreline Golf and Restaurant Fund for operations of the restaurant for the period of January 1, to June 30, 2019.
5. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, appropriate \$1,100,000 from the Shoreline Regional Park Community to Planned and Emergency Facilities Projects, Project 19-18, to refurbish Michaels at Shoreline.
6. Acting in its capacity as Mountain View City Council, appropriate \$88,000 from the General Fund Reserve Account as compensation to The Faravelli Company, Inc. for the acquisition of assets of Michaels at Shoreline.
7. Authorize the City Manager or his designee to execute all documents and take all necessary actions related to the approved recommendations contained in this report.

The motion carried by the following vote:

Yes: 6 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

Absent: 1 - Councilmember Rosenberg

Councilmember McAlister left the meeting at 10:01 p.m.

8.2 Adjust Compensation for City Attorney, City Clerk, and City Manager

Vice Mayor Matichak provided a report.

Public Comment opened at 10:02 p.m.

The following member of the public spoke:
Emily Ramos

Public Comment closed at 10:03 p.m.

MOTION - MS - Abe-Koga/ Matichak - To Adopt Resolution No. 18263 Approving Annual Compensation Increases for the City Attorney, City Clerk, and City Manager, read in title only, further reading waived (Attachment 1 to the Council report).

The motion carried by the following vote:

Yes: 5 - Councilmember Abe-Koga, Councilmember Clark, Councilmember Showalter, Vice Mayor Matichak, Mayor Siegel

Absent: 2 - Councilmember McAlister, Councilmember Rosenberg

9. COUNCIL, STAFF/COMMITTEE REPORTS

Councilmember Abe-Koga reported her attendance at the Leadership Mountain View program and the Fit to Fight Breast Cancer Awareness event.

Vice Mayor Matichak reported her attendance at the Fit to Fight Breast Cancer Awareness event and a meeting of the Moffett Field Restoration Advisory Board.

Mayor Siegel reported his attendance at the Leadership Mountain View program, the 22nd anniversary celebration of the Dayworker Center of Mountain View, and a presentation to the Young Men's Service League.

10. CLOSED SESSION REPORT

None.

11. ADJOURNMENT

At 10:07 p.m., Mayor Siegel adjourned the meeting to the next Council Meeting to be held on Tuesday, November 13, 2018, at 5:00 p.m. in the Council Chambers, 500 Castro Street.

ATTEST:

APPROVED:

LISA NATUSCH
CITY CLERK

LEONARD M. SIEGEL
MAYOR