



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

Kimbra McCarthy, City Manager
Jennifer Logue, City Attorney
Heather Glaser, City Clerk

September 13, 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.

6:00 P.M.-CLOSED SESSION

At 6:00 p.m., Mayor Ramirez called the meeting to order.

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

City Attorney Logue announced the items listed for Closed Session.

There were no public speakers.

At 6:03 p.m., Mayor Ramirez recessed the meeting to Closed Session.

2. CLOSED SESSION

2.1 Conference with Legal Counsel-Existing Litigation (Government Code §54956.9(d)(1)); Name of case: Ching Li Hsieh v City of Mountain View, 820-860 Villa Street, LLC, Frederic Chen, Mark Chen, Don Baker, Douglas T. Watson, Santa Clara County Superior Court, Case No. 20CV365876

2.2 Conference with Legal Counsel-Liability Claims (Government Code §54956.9(d)(2),(e)(3)); Claimant: Chandra Arnold against the City of Mountain View

At 6:25 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.

Mayor Ramirez stated Item 6.1 was postponed at the request of the applicant and would be re-noticed for a future date.

2. ROLL CALL

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

3. PRESENTATION

3.1 National Hispanic Heritage Month Proclamation

Mayor Ramirez presented the proclamation to Marilu Cuesta Flores.

There were no public speakers.

4. CONSENT CALENDAR

Councilmember Matichak indicated a No vote on Item 4.2.

Councilmember Abe-Koga indicated a No vote on Item 4.2.

Councilmember Showalter discussed Item 4.9.

The following members of the public spoke:

SP requested closed captioning.

Tim MacKenzie from Mountain View discussed Item 4.9.

Bruce England discussed Item 4.9.

Albert Jeans discussed Item 4.10.

Erica Valentine, on behalf of Local 393, discussed Item 4.3.

Frank Austin, on behalf of Local 393, discussed Item 4.3.

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

The motion carried, except for Item 4.2, 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 Approve Minutes

Approve City Council meeting minutes of June 26, 2018.

4.2 Mobile Home Rent Stabilization Ordinance-Amendment Related to Accord or Memorandum of Understanding

Exemption (Second Reading)

Adopt Ordinance No. 11.22 of the City of Mountain View Amending the Mobile Home Rent Stabilization Ordinance (Chapter 46 of the Mountain View City Code) to Remove the Exemption for Mobile Home Spaces and Mobile Homes in a Mobile Home Park that Are Subject to an Approved Accord. (First reading: 5-2; Abe-Koga and Matichak no)

Yes: 5 - Councilmember Kamei, Councilmember Lieber, Councilmember Showalter, Vice Mayor Hicks, Mayor Ramirez

No: 2 - Councilmember Abe-Koga, Councilmember Matichak

4.3 Adopt Ordinances to Add Article III, Responsible Construction, and Article IV, Wage Theft, to Chapter 42 of the Mountain View City Code (Second Reading)

1. Adopt Ordinance No. 12.22 of the City of Mountain View Adding Article III, Responsible Construction, to Chapter 42 of the Mountain View City Code. (First reading: 7-0)

2. Adopt Ordinance No. 13.22 of the City of Mountain View Adding Article IV, Wage Theft, to Chapter 42 of the Mountain View City Code. (First reading: 7-0)

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

Adopt Resolution No. 18709 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.

4.5 Middlefield and Moffett Sewer Replacement, Project 22-42-Authorize Professional Design Services Agreement

Authorize the City Manager or designee to execute a professional design services agreement with BKF Engineers to provide engineering services for Middlefield and Moffett Sewer Replacement, Project No. 22-42, in a not-to-exceed amount of \$627,000.

4.6 Addendum No. 11 to Regional Water Quality Control Plant Basic Agreement

Authorize the City Manager or designee to execute Addendum No. 11 to the Basic Agreement Between the City of Palo Alto, the City of Mountain View, and the City of Los Altos for the Acquisition, Construction, and Maintenance of a Joint Sewer System to approve the following at the Regional Water Quality Control Plant in Palo Alto: (1) increase the maximum amount of financing for the Primary Sedimentation Tank Rehabilitation Project from \$17 million to \$19.4 million; and (2) construct and implement the Secondary Treatment Upgrades Project with a maximum financing authorization of \$169 million.

4.7 Amend Professional Services Agreement with Tanner Pacific, Inc., for Construction Engineering Services

Authorize the City Manager or designee to amend the existing professional services agreement with Tanner Pacific, Inc., for an additional \$300,000 to provide construction engineering services in a not-to-exceed amount of \$400,000.

4.8 333 North Rengstorff Avenue, 2044 and 2054 Montecito Avenue, 344 Bryant Avenue, and 950 West El Camino Real-Accept Public Improvements

1. Accept the public improvements for the development at 333 North Rengstorff Avenue for maintenance throughout their useful life.
2. Accept the public improvements for the development at 2044 and 2054 Montecito Avenue for maintenance throughout their useful life.
3. Accept the public improvements for the development at 344 Bryant Avenue for maintenance throughout their useful life.
4. Accept the public improvements for the development at 950 West El Camino Real for maintenance throughout their useful life.

4.9 Approval of Council Advisory Body Work Plans

Approve the Council advisory body work plans for Fiscal Year 2022-23.

4.10 Approve the Acquisition of Real Property at 909 San Rafael Avenue (APN: 153-18-012) and 917 San Rafael Avenue (APN: 153-18-027)

1. Approve the acquisition of property located at 909 San Rafael Avenue (APN: 153-18-012) owned by ECI Four San Rafael LLC.
2. Approve the acquisition of property located at 917 San Rafael Avenue (APN: 153-18-027) owned by Mary M. Mountz as Successor Trustee of the Marian P. Turner Family Trust 917 San Rafael Avenue, Mountain View, California.
3. Approve a midyear Capital Improvement Program project, Acquisition of 909 and 917 San Rafael Avenue, and transfer and appropriate \$20.4 million from the Park Land Dedication Fund to the new project. (Five votes required)
4. Authorize the City Manager or designee to execute all documents and take all necessary actions related to the acquisition of 909 San Rafael Avenue (APN: 153-18-012) and 917 San Rafael Avenue (APN: 153-18-027).

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

The following members of the public spoke:

Bruce England discussed closed session topics.

6. PUBLIC HEARING

6.1 ~~Commercial Development Project at 365-405 San Antonio Road and 2585-2595 California Street~~

THIS WILL NOT BE HEARD ON SEPTEMBER 13, 2022. THE HEARING WAS POSTPONED AT THE REQUEST OF THE APPLICANT AND WILL BE RE-NOTICED FOR A FUTURE DATE.

6.2 Community Center Resiliency Hub Project-Variou s Actions

Assistant Public Works Director/City Engineer Ed Arango presented the item.

Public Works Director Dawn Cameron was available for questions.

The following member of the public spoke:

Bruce England, on behalf of the Mountain View Coalition for Sustainable Planning, indicated support for the item.

The Council directed questions to staff.

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

1. Approve a midyear Capital Improvement Program project, Community Center Resiliency Hub, and transfer and appropriate \$749,242 from the Construction/Conveyance Tax Fund and appropriate \$614,115 in grants to the new project for a total of \$1,363,357. (Five votes required)
2. Adopt Resolution No. 18710 of the City Council of the City of Mountain View Awarding a Contract to Syserco Energy Solutions, Inc., for the Community Center Resiliency Hub Project for a Cost Not to Exceed \$1,213,357, Including a \$110,305 Contingency.
3. Authorize the City Manager or designee to enter into a capital project grant agreement with Silicon Valley Clean Energy for up to \$636,365 for the Mountain View Community Center Resiliency Hub project.
4. Authorize the City Manager or designee to apply for the California Public Utilities Commission's Self-Generation Incentive Program rebate funds from Pacific Gas and Electric in an amount up to \$105,000.

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

7. NEW BUSINESS**7.1 Alta Housing Notice of Funding Availability Proposal-1020 Terra Bella Avenue**

Senior Housing Officer Deanna Talavera and Senior Planner Edgar Maravilla presented the item.

Public Works Director Cameron was available for questions.

The following members of the public spoke:

Bruce England

Kevin Ma, on behalf of the League of Women Voters, indicated support for the recommendation.
SP from Mountain View.

The Council directed questions to staff.

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

1. Reserve \$13.5 million in Housing Impact funds for the Alta Housing Notice of Funding Availability application.

From this \$13.5 million reservation:

1. Appropriate \$1.3 million in Housing Impact funds for predevelopment costs (\$1.0 million for Alta Housing and \$300,000 for City staff time and consultant services, including environmental review, parking studies, and other special studies for this project).

2. Authorize the City Manager or designee to negotiate and execute a predevelopment loan agreement with Alta Housing in an amount up to \$1.0 million for predevelopment activities.

3. Authorize the City Manager or designee to negotiate and execute consultant and professional services agreements for predevelopment activities and services in an aggregate amount not to exceed \$300,000.

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

7.2 SB 330 Replacement Requirements

Housing Specialist Anna Reynoso presented the item.

Housing and Neighborhood Services Manager Micaela Hellman-Tincher 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:

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

Tim MacKenzie indicated agreement with Emily Ann Ramos.

Kevin Ma, on behalf of the League of Women Voters.

Alex Brown indicated agreement with the previous speakers.

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

Approve a policy requiring that demolished “protected units” be replaced under Senate Bill 330 with deed-restricted units affordable to households earning 80% of area median income or below when the prior tenants of those protected units earned, or are presumed to have earned, more than 80% of AMI, and direct staff to incorporate this policy into administrative guidelines and procedures for development applications.

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

Councilmember Abe-Koga stated she attended a Santa Clara Valley Transportation Authority Board meeting and announced she would serve on the Santa Clara Valley Transportation Authority Ad Hoc Committee on Grade Separations. She stated she attended a Bay Area Housing Finance Authority Oversight Committee meeting and the Mountain View Fire Lateral Firefighter Recruitment Academy Graduation.

Councilmember Kamei stated she attended the Cal Cities Annual Conference.

Councilmember Showalter stated she attended the Mountain View Fire Lateral Firefighter Recruitment Academy Graduation and a City of Palo Alto Study Session regarding efforts with the Santa Clara Valley Water District and the City of Mountain View to improve the quality of recycled water produced by the Regional Water Quality Control Plant.

In response to Councilmember Abe-Koga, the Council referred to the Council Policy and Procedures Committee consideration of a policy guiding Councilmember participation in hybrid meetings of the City Council.

9. CLOSED SESSION REPORT

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 Chandra Arnold against the City of Mountain View. She stated Chandra Arnold submitted a claim to the City of Mountain View seeking \$2 million for injuries and damages she sustained while riding a Santa Clara Valley Transportation Authority bus. She stated Chandra Arnold claimed that the bus driver’s negligent driving caused her to fly forward from her seat injuring her head, neck and back. She stated the Council voted with seven ayes, zero noes and zero abstentions to deny the claim because the Santa Clara Valley Transportation Authority owns and operates the bus Chandra Arnold was riding at the time of her accident and the Santa Clara Valley Transportation Authority was a legal entity separate from the City of Mountain View.

10. ADJOURNMENT

At 8:21 p.m., Mayor Ramirez adjourned the meeting.