



Lisa Matichak, Mayor  
Margaret Abe-Koga, Vice Mayor  
Christopher R. Clark, Councilmember  
Alison Hicks, Councilmember  
Ellen Kamei, Councilmember  
John McAlister, Councilmember  
Lucas Ramirez, Councilmember

Daniel H. Rich, City Manager  
Krishan Chopra, City Attorney  
Lisa Natusch, City Clerk

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September 10, 2019

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

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

**5:30 P.M.-CLOSED SESSION (PLAZA CONFERENCE ROOM)**

**1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)**

At 5:30 p.m., City Attorney Krishan Chopra announced the items for Closed Session.

**2. CLOSED SESSION**

Seeing no one wishing to speak, Mayor Matichak called the meeting to order.

Councilmember Clark, Councilmember Hicks, Councilmember Kamei, Councilmember Ramirez, Vice Mayor Abe-Koga and Mayor Matichak were present. Councilmember McAlister was absent.

**2.1 Public Employee Performance Evaluations (California Government Code §54957(b)(1))  
-Title: Council Appointees: City Manager and City Clerk; and Conference with Labor  
Negotiators (California Government Code §54957.6(a))-Agency Designated  
Representative: Vice Mayor Abe-Koga; Unrepresented Employees: City Manager and City  
Clerk**

The Closed Session concluded at 6:38 p.m.

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

**1. CALL TO ORDER**

Mayor Matichak called the meeting to order at 6:45 p.m.

**2. PLEDGE OF ALLEGIANCE**

Mayor Matichak led the Pledge of Allegiance.

**3. ROLL CALL**

**Present:** 7 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei,  
Councilmember McAlister, Councilmember Ramirez, Vice Mayor  
Abe-Koga, Mayor Matichak

Councilmember McAlister participated in the meeting by teleconference from the Sandpearl Resort, 500 Mandalay Avenue, Business Center, Clearwater Beach, FL 33767.

#### **4. CONSENT CALENDAR**

Councilmember McAlister requested to pull Item 4.1 from the Consent Calendar.

Mayor Matichak requested to pull Item 4.1 from the Consent Calendar.

MOTION - M/S - Clark/Hicks - To approve the Consent Calendar with the exception of Item 4.1.

City Manager Rich provided comments regarding Item 4.2, Response to Stanford General Use Permit and Final Environmental Impact Report, noting an error in the number of units included in the letter and requested the motion allow flexibility to modify the numbers in the letter accordingly.

Following discussion, Councilmember Clark amended the motion as suggested by the City Manager.

The motion carried by the following roll call vote:

**Yes:** 7 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei, Councilmember McAlister, Councilmember Ramirez, Vice Mayor Abe-Koga, Mayor Matichak

#### **4.1 Approval of Council Advisory Body Work Plans**

Assistant City Manager/Chief Operating Officer Audrey Seymour Ramberg responded to Council questions. City Manager Dan Rich provided additional information.

MOTION - M/S - Matichak/Ramirez - To:

Review and approve the Council advisory body work plans for Fiscal Year 2019-20 with revisions to Human Relations Commission Work Plan items J, L, and 2 to clarify that those items are information only updates; modify item C to "Respond to City Council referrals" and collapse item numbers 3, 6, and 7 into item C.

FRIENDLY AMENDMENT: Vice Mayor Abe-Koga offered a friendly amendment to modify item B. Sponsor/organize two Civility Roundtable discussions and either choose a new topic or pick from items 3 and 5; or complete items 3 and 5 and do not host a Civility Roundtable discussion.

Mayor Matichak accepted the friendly amendment.

Councilmember Ramirez accepted the friendly amendment.

The motion carried by the following roll call vote:

**Yes:** 7 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei, Councilmember McAlister, Councilmember Ramirez, Vice Mayor Abe-Koga, Mayor Matichak

#### **4.2 Response to Stanford General Use Permit and Final Environmental Impact Report**

Review and approve the Draft Response and forward the City's comments to the County Board of Supervisors after the City Council meeting (Attachment 1 to the Council report).

#### **4.3 Authorization to Execute an Agreement and Appropriation of Funds Designated for the 2018 Homeland Security Grant Program to Purchase Vehicle Incursion Barriers**

1. Authorize the City Manager or his designee to execute an agreement with the County of Santa Clara for the 2018 Homeland Security Grant Program Funds.
2. Appropriate \$90,000 in the Police Department, General Operating Fund, for expenditure of 2018 Homeland Security Grant Program funds to purchase vehicle incursion barriers, to be reimbursed by the grant.

#### **4.4 Increase Appropriations in the Police Department for Asset Forfeiture Funds**

Increase appropriations in the amount of \$452,774.64 in the Police Department for funds received in August 2019 from the Santa Clara County District Attorney's Office for asset forfeiture proceedings relating to a 2017 case.

#### **4.5 Green Stormwater Infrastructure Plan**

Approve the City's Green Stormwater Infrastructure Plan (Attachment 1 to the Council report) in compliance with the San Francisco Bay Regional Water Quality Control Board Municipal Regional Stormwater NPDES Permit, Provision C.3.j.i.(2) of Order R2-2015-0049.

#### **4.6 Clarification of the Employer Contribution for Employees and Retired Annuitants Under the Public Employees' Medical and Hospital Care Act with Respect to the Mountain View Professional Firefighters and Police Officers Association**

1. Adopt Resolution No. 18374 Fixing the Employer Contribution at an Equal Amount for Employees and Annuitants Under the Public Employees' Medical and Hospital Care Act with Respect to a Recognized Employee Organization (Group 001 Safety-Fire), read in title only, further reading waived.
2. Adopt Resolution No. 18375 Authorizing the City Manager or His Designee to Execute a Side Letter Amending the Memorandum of Understanding Between the Mountain View Professional Firefighters, Local 1965, and the City for the Period of July 1, 2017 through June 30, 2020, read in title only, further reading waived.
3. Adopt Resolution No. 18376 Fixing the Employer Contribution at an Equal Amount for Employees and Annuitants Under the Public Employees' Medical and Hospital Care Act with Respect to a Recognized Employee Organization (Group 002 Safety-Police), read in title only, further reading waived.

4. Adopt Resolution No. 18377 Authorizing the City Manager or His Designee to Execute a Side Letter Amending the Memorandum of Understanding Between the Police Officers Association and the City for the Period of July 1, 2017 through June 30, 2020, read in title only, further reading waived.

**5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS**

No speakers.

**6. PUBLIC HEARING - None.**

**7. NEW BUSINESS**

**7.1 Lot 12 Request for Qualifications Selection and Final Request for Proposals Components**

Assistant Community Development Director Wayne Chen presented the staff report. City Manager Dan Rich, City Attorney Krishan Chopra and Assistant City Manager/Community Development Director Aarti Shrivistava provided additional information.

Public Comment opened at 8:04 p.m.

The following members of the public spoke:

Serge Bonte

Ray Bramson, Chief Impact Officer, Destination: Home

Shani Kleinhaus

Frank Ponciano, Abode Services

Jan Lindenthal, MidPen Housing

Paul Davis

Susie Criscimagna, Eden Housing

Lenny Siegel

Joan MacDonald, on behalf of the League of Women Voters and Advocates for Affordable Housing

Public Comment closed at 8:33 p.m.

Mayor Matichak summarized the Council comments provided: regarding Question 3 in the staff report, majority support to continue to support heights up to six stories for the Lot 12 RFP, with good transitions to the existing neighborhood; regarding Question 4(b) in the staff report, majority support for no or low parking requirements for the nonresidential; and regarding Question 1 in the staff report, majority support for replacing all 160 parking spaces that currently exist, but flexibility in terms of where they would be located.

Regarding Question 2 in the staff report, Mayor Matichak stated that Council spoke regarding flexibility on a maximum parking ratio for the affordable housing units. City Manager Rich added that there was support for a maximum parking ratio for the affordable housing units depending on uses, and that a parking study would be completed either way.

Regarding Question 5 in the staff report, City Manager Rich summarized that there was majority support for 30-80% AML.

Mayor Matichak stated majority Council support for exploring all sources of funding, including Measure A and tax credits.

City Manager Rich summarized Mayor Matichak's statement to state that a premium will be put on minimizing the City subsidy and maximizing the creative use of as many funding sources as possible.

Ray Bramson, Chief Impact Officer, Destination: Home, responded to Council questions.

Assistant City Manager/Community Development Director Shrivistava confirmed that Council has some willingness to provide subsidy for the non-retail although the preference is to not; that it does not have to specifically be retail, but it needs to be community-serving or project-serving.

City Manager Rich further provided a summary of Council comments regarding Question 1(b) in the staff report: Council is ok with some subsidy, not General Fund, and explore other funding sources.

MOTION - M/S - Kamei/Ramirez - To approve inviting six Lot 12 Request for Qualifications respondents to participate in the forthcoming Lot 12 Request for Proposals.

The motion carried by the following roll call vote:

**Yes:** 7 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei, Councilmember McAlister, Councilmember Ramirez, Vice Mayor Abe-Koga, Mayor Matichak

MOTION - M/S - Matichak/Ramirez - To continue the meeting past 10 p.m.

The motion carried by the following roll call vote:

**Yes:** 6 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei, Councilmember Ramirez, Vice Mayor Abe-Koga, Mayor Matichak

**No:** 1 - Councilmember McAlister

Council recessed at 10:04 p.m.

Council reconvened at 10:18 p.m. with all Councilmembers present. Councilmember McAlister participated by teleconference.

## **7.2 1255 Pear Avenue-Amend Gateway Capacity Condition**

Public Works Director Mike Fuller presented the staff report. City Manager Dan Rich

provided additional information.

Councilmember Kamei stated she met with the applicant.

Applicant Tim Steele, The Sobrato Organization, responded to Council questions.

Public Comment opened at 10:39 p.m.

The following members of the public spoke:

Lenny Siegel

Alex Brown, Santiago Villa

Tim Steele, The Sobrato Organization

Public Comment closed at 10:45 p.m.

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

Adopt a Resolution Amending Exhibit A of Resolution No. 18259 to Amend Condition No. 190 of the Planned Community Permit and Development Review Permit (PL-2017-380) for 1255 Pear Avenue to: (1) Allow Building Permits to Be Issued Prior to Completion of the Plymouth/Space Park Realignment and Shoreline/Highway 101 Off Ramp Realignment; and (2) Not Allow Occupancy of the Office Building Until the Off Ramp Realignment is Complete or August 31, 2022, Whichever is Sooner, read in title only, further reading waived.

Mayor Matichak disclosed she met with the applicant.

Applicant Tim Steele, The Sobrato Organization, responded to Council questions.

Following discussion, Councilmember Clark amended the motion:

Adopt a Resolution Amending Exhibit A of Resolution No. 18259 to Amend Condition No. 190 of the Planned Community Permit and Development Review Permit (PL-2017-380) for 1255 Pear Avenue to: (1) Allow Building Permits to Be Issued Prior to Completion of the Plymouth/Space Park Realignment and Shoreline/Highway 101 Off Ramp Realignment; and (2) Not allow occupancy of the office building until phase one of the residential project is complete and phase two is underway, and either 1) the off-ramp realignment is complete or 2) August 31, 2022 if the trip cap is not currently in violation as defined it with two consecutive violations in a row, assuming the off-ramp isn't completed. If the off-ramp is complete, then we don't have to worry about that. If they do want to occupy in a violation condition on August 31, 2022 then they would need to fund a congestion pricing study up to a maximum of \$1 million or make a similar-value contribution to the City's Transportation Impact Fund for the North Bayshore Area.

Councilmember Hicks accepted the amendment.

At 11:44 p.m., Council proceeded with Item 8, Council, Staff/Committee Reports, while staff drafted condition language based on the amended motion.

At 11:49 p.m., City Attorney Chopra stated the condition language based on the amended motion: Adopt a Resolution Amending Exhibit A of Resolution No. 18259 to Amend Condition No. 190 of the Planned Community Permit and Development Review Permit (PL-2017-380) for 1255 Pear Avenue to: (1) Allow Building Permits to Be Issued Prior to Completion of the Plymouth/Space Park Realignment and Shoreline/Highway 101 Off Ramp Realignment; and (2) Not Allow Occupancy of the Office Building Until Phase One of the Residential Component of the Project is Complete and Phase Two of the Residential Component of the Project has Initiated Construction. If occupancy occurs prior to the completion of the off-ramp realignment and the trip-cap is exceeded after two consecutive monitoring events, then the applicant must fund a congestion pricing study up to \$1 million or make an equivalent contribution to the City for transportation improvements.

Councilmember Clark concurred with the language as read and clarified that the condition is if the trip cap is violated two consecutive times even prior to occupancy.

The motion as amended carried by the following roll call vote:

**Yes:** 6 - Councilmember Clark, Councilmember Hicks, Councilmember Kamei, Councilmember Ramirez, Vice Mayor Abe-Koga, Mayor Matichak

**No:** 1 - Councilmember McAlister

### **7.3 Regional Housing Needs Allocation Subregion**

Assistant City Manager/Community Development Director Aarti Shrivastava presented the staff report.

Public Comment opened at 12:09 a.m.

The following members of the public spoke:

Serge Bonte

Public Comment closed at 12:11 a.m.

Following discussion, Council took no action on this item.

## **8. COUNCIL, STAFF/COMMITTEE REPORTS**

This item was discussed while staff drafted language for Item 7.2, 1255 Pear Avenue-Amend Gateway Capacity Condition.

Councilmember Clark reported his attendance at a meeting with Housing and Urban Development Secretary Ben Carson in Washington, DC.

Mayor Matchak reported a letter was sent to formally request that the City of Sunnyvale help fund the design of the Stevens Creek Trail extension, which will be considered at an upcoming Sunnyvale City Council meeting.

Mayor Matchak reported that Mountain View and the City of Sunnyvale expressed support for Option 3 for Hangar One remediation and restoration, and a formal letter will be sent.

At 11:48 p.m., Council returned to consideration of Item 7.2, 1255 Pear Avenue-Amend Gateway Capacity Condition.

**9. CLOSED SESSION REPORT**

City Attorney Krishan Chopra reported there is no report for the earlier Closed Session item and that no report is anticipated for the remaining Closed Session item.

**10. ADJOURNMENT**

At 12:32 a.m., Mayor Matchak announced that following a brief recess Council would reconvene in the Plaza Conference Room to continue the earlier Closed Session and that following the Closed Session the City Council would adjourn to the next City Council Meeting to be held on Tuesday, September 17, 2019, at 5:00 p.m. in the Plaza Conference Room, 500 Castro Street.

The Closed Session concluded at 1:38 a.m.