



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
Wanda Wong, Interim City Clerk

Leonard Siegel, Mayor

Jannie L. Quinn, City Attorney

January 16, 2018

Plaza & Council Chambers - 500 Castro St.

THIS MEETING WAS TELECONFERENCED PURSUANT TO GOVERNMENT CODE SECTION 54953(b) WITH COUNCILMEMBER SHOWALTER PARTICIPATING IN THE MEETING FROM KAHA LANI, 4460 NEHE ROAD, APT. 309, LIHUE, KAUAI, HI 96766. THE TELECONFERENCE LOCATION WAS ACCESSIBLE TO THE PUBLIC AND AN AGENDA FOR THE MEETING WAS POSTED AT THAT LOCATION PURSUANT TO GOVERNMENT CODE SECTION 54953(b)(3). MEMBERS OF THE PUBLIC HAD AN OPPORTUNITY TO ADDRESS THE LEGISLATIVE BODY AT THIS LOCATION.

5:00 P.M.-CLOSED SESSION (HELD IN THE PLAZA CONFERENCE ROOM)

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

At 5:02 p.m., an announcement was made by City Manager Rich, who described the items that Council would consider on the Closed Session Agenda below.

2. CLOSED SESSION

2.1 Public Employee Appointment (§54957(b)(1)) – Title of Position: City Clerk

2.2 Conference with Real Property Negotiator (§54956.8)—Properties: 152 Martens Avenue (APN 197-41-060) and 1549 Grant Road (APN 197-41-069)—Agency Negotiator: Dennis Drennan, Real Property Program Administrator—Negotiating Parties: Robert Jason Lojek and Elizabeth Ann Welshock, as co-Trustees of the Lojek-Welshock Trust (as to 152 Martens Avenue) and Huey Ling Wang and Hsu Yu-Tieh Wan (as to 1549 Grant Road)—Under Negotiation: Price and Terms of Payment for Acquisition of Portions of Real Property

Seeing no one wishing to speak, Mayor Siegel closed the meeting to the public and called the meeting to order at 5:03 p.m.

All Councilmembers were present.

The Closed Session concluded at 6:20 p.m.

6:30 P.M.-SPECIAL SESSION (HELD IN THE COUNCIL CHAMBERS)

1. CALL TO ORDER

Mayor Siegel called the meeting to order at 6:33 p.m.

2. PLEDGE OF ALLEGIANCE

Lisset Tellez led the Pledge of Allegiance.

3. ROLL CALL

Present: 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, and Mayor Siegel

4. CONSENT CALENDAR

MOTION - MS - Abe-Koga/Clark - To approve the Consent Calendar.

The motion carried by the following vote:

Yes: 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, and Mayor Siegel

4.1 Approval of Minutes.

That City Council approve the following minutes:

1. November 28, 2017 Council meeting;
2. December 5, 2017 Council meeting; and
3. December 12, 2017 Council meeting.

4.2 Stevens Creek Trail Landscape Improvements, Project 11-34 - Accept Construction.

Accept Stevens Creek Trail Landscape Improvements, Project 11-34, and authorize the final contract payment.

4.3 Modifications to Grant/Phyllis/Martens Intersection, CIP Project 15-31 - Approval of Plans and Specifications and Removal and Mitigation for one Heritage Tree.

1. Approve the removal of and mitigation for one Heritage tree and a 1 to 1 replacement with a 24" box tree.
2. Approve plans and specifications for Modifications to Grant/Phyllis/Martens Intersection, CIP Project 15-31, and authorize staff to advertise the project for bids.

4.4 Authorize Contract for Workers' Compensation Third-Party Claims Administration Services.

Authorize the City Manager to execute a contract with York Risk Services Group for Workers' Compensation Third-Party Administration claims service for a five-year term, from July 1, 2018 through June 30, 2023. The total five-year contract cost is not to exceed \$751,225.05.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Marilyn Winkleby spoke regarding the challenges that Graham Middle School students experience because there is no morning transportation shuttle for the students living near California and Escuela. Ms. Winkleby asked the Council to assist in finding a solution by providing a morning shuttle to help students get to school on time.

The following students and parent spoke regarding the impacts that not having a morning shuttle has on their daily life:

Student: Kendra Marquez

Student: Daniel Davalos

Student: Jose Davalos

Parent: Guadalupe Tena

Lisset Tellez, Graham Middle School At-risk Supervisor, expressed that having a morning shuttle would be beneficial to the students and would help reduce student tardiness and truancy.

Vannina Champenois, Environmental Sustainability Task Force-2 member, invited the City Council to their first community event on January 31, 2018.

6. PUBLIC HEARING

6.1 Adoption of an Ordinance Extending the Temporary Moratorium Prohibiting Commercial Cannabis Activity.

Associate Planner Burke presented an oral report, and she, City Attorney Quinn, City Manager Rich, and Police Chief Bosel responded to Council's questions.

THE FOLLOWING MEMBERS OF THE PUBLIC SPOKE DURING PUBLIC COMMENT:

Matt Raschke

Matthew Mahaffey, Silicon Valley Farms

Dillon (no last name given)

Sean Kali-Rai

Serge Bonte

MOTION - MS - Showalter/Clark - To Adopt 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 (Attachment 2). Carried by the following vote:

Yes: 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, and Mayor Siegel

MOTION - MS - Abe-Koga/McAlister - To develop regulation of all retail uses prior to the rest of the ordinance regulating commercial cannabis activity.

Yes: 7 - Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Vice Mayor Matichak, and Mayor Siegel

7. NEW BUSINESS

7.1 Transfer of Development Rights-MOU and Gatekeeper Requests Related to the Los Altos School District.

Assistant Planner Panos, Los Altos School District Superintendent Jeff Baier, School Board Member Steve Taglio, School Board Member Bryan Johnson, and Attorney Tim Tosta presented oral staff reports and they, Community Development Director Tsuda, Community Services Director de la Montaigne, City Attorney Quinn, and City Manager Rich responded to Council's questions.

THE FOLLOWING MEMBERS OF THE PUBLIC SPOKE DURING PUBLIC COMMENT:

Steven Nelson
 Matt Raschke
 Mike Kasperzak
 Stephen Friberg
 Nancy Morimoto
 Lea Hallert
 Kristi Allen
 Ronit Bryant
 Joan MacDonald
 Serge Bonte
 Cam Chan
 Barton Hechtman

Council recessed at 9:00 p.m. and reconvened at 9:16 p.m.

MOTION - MS - Siegel/McAlister – That the City Council express as a preference that the school located on this site be open to students from north of El Camino area of the school district, and secondly a condition that the school district create a transparent public process and community involvement in determining the type of school to be located on the site.

City Council discussion followed regarding the motion and process that will be used to determine the service area for the school. City Manager Rich suggested an amendment to the motion to include a condition that would require the school district to return with the details on the school district's public process to determine the use of the school site and the City's role in that process prior to Council consideration of the joint use funding agreement. Mayor Siegel and Councilmember McAlister accepted the amendment.

Following further discussion, Los Altos School Superintendent Baier, indicated support of Council's request to include a City representative on a Task Force that the school district will create.

Mayor Siegel called for a Vote - MS - Siegel/McAlister – That the City express as a preference that the school at this site be open to north of El Camino students and that the school district present a transparent public process to determine the type of school to be located on the site and the city's role in that process prior to executing the funding agreement and master agreement for maintenance of the school sites. Motion carried by the following roll call vote:

Yes: 5 – Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Vice Mayor Matichak, and Mayor Siegel

No : 2 - Councilmember Abe-Koga and Councilmember Showalter

The City Council discussed and provided direction/support on the following questions as noted:

Question 1: Council supports the expiration of Gatekeeper authorization and wants it to be consistent with what is approved with the 2018 Gatekeeper Ordinance. (Unanimous)

Question 2: Council supports Vanni deferring their Gatekeeper request and is supportive of five years. (Unanimous)

Question 3: Council supports allowing LASD to sell the remaining 72,000 square feet and will allow LASD one year to find a developer. The 72,000 square feet must also be used for a residential project.

(Unanimous)

Question 4: Council supports an overall expiration of the TDR's with a 10 year expiration. (Majority)

Question 5: Council supports all of the Gatekeepers. (Majority supported all six Gatekeepers. Two supported five of the Gatekeepers, but did not support Merlone Geier's Gatekeeper.)

Question 6: Council did not support Merlone Geier's request for an exception from ground floor commercial. (Majority)

During Council discussion on questions five and six, the following responded to Council's questions:

Rob Hollister, President of Sobrato

Unidentified speaker

MOTION – MS –Rosenberg/McAlister – to take the following actions:

- 1. Authorize the City Manager to execute a Memorandum of Understanding between the City and the Los Altos School District (LASD) that establishes a framework for a Transfer of Development Rights (TDR) process, designed to support acquisition of a new public school site in the San Antonio Precise Plan Area;**
 - 2. Direct staff to develop a Funding Agreement with LASD specifying the terms and conditions of the City's contribution of \$6 million per acre up to \$23 million (total) of Park Land Dedication funds for public accessibility to open space/recreational facilities associated with the new school site;**
 - 3. Direct staff to develop a Master Joint Use Agreement, and supplemental Joint Use Agreement(s) if necessary, with LASD specifying the terms and conditions of ongoing operation and maintenance of the public open space/recreational facilities associated with the new school site;**
 - 4. Authorize the assignment of staff resources for consideration of six Gatekeeper applications requesting additional floor area through the TDR process;**
 - 5. Allow one developer to participate in the TDR process but submit a Gatekeeper request at a later date, as discussed later in the staff report;**
- and**

Include the previous motion that the City express as a preference that the school at this site be open to north of El Camino students and that the

school district present a transparent public process in determining the service area for the school and the city's role prior to executing the funding agreement and master agreement for the maintenance of the school sites; and include Council direction and incorporate answers to questions as summarized above.

Discussion followed regarding the Main Motion. A Friendly Amendment to the Main Motion was made: MS – Matichak/Abe-Koga – to remove item four from the original motion. Motion failed by the following roll call vote:

Yes: 3 – Councilmember Abe-Koga, Councilmember Showalter, Vice Mayor Matichak

No : 4 – Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Mayor Siegel

A second friendly Amendment to the Main Motion was made: MS – Abe-Koga/Matichak – to consider Items 1, 2, 3 and 5. Motion failed by the following roll call vote:

Yes: 2 – Councilmember Abe-Koga, Vice Mayor Matichak

No : 5 – Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Councilmember Showalter, Mayor Siegel

VOTE ON MAIN MOTION: Motion carried by the following roll call vote:

Yes: 6 – Councilmember Abe-Koga, Councilmember Clark, Councilmember McAlister, Councilmember Rosenberg, Vice Mayor Matichak (supported approval of actions 1, 2, 3 and 5; did not support approval of action 4), Mayor Siegel

No : 1 – Councilmember Showalter

8. COUNCIL, STAFF/COMMITTEE REPORTS

Councilmember Rosenberg reported that he attended the Avenidas Board meeting.

Councilmember McAlister reported that he attended his first VTA Board meeting and will be attending the League of California Cities Transportation Committee meeting.

Mayor Siegel reported on his attendance at meetings of the Measure A Oversight, the VTA Policy Advisory Committee, Cities Association of Santa Clara County, Silicon Valley Official Roundtable; and the

ribbon cutting of Transform Fitness on Castro Street. Mayor Siegel stated that he and Councilmember Rosenberg attended former City Manager Bruce Liedstrand's memorial.

Councilmember Showalter reported that she visited a play structure connected to an eight mile trail in Hawaii which reminded her of the Stevens Creek Trail.

9. CLOSED SESSION REPORT - None.

10. ADJOURNMENT - At 11:21 p.m., Mayor Siegel adjourned the meeting to the next city council meeting to be held on Monday, January 22, 2018, tentatively at 9:00 a.m. at Samsung, 665 Clyde Avenue.

ATTEST:

APPROVED:

WANDA WONG
INTERIM CITY CLERK

LEONARD M. SIEGEL
MAYOR