



Pat Showalter, Mayor
Lisa Matichak, Vice Mayor
Margaret Abe-Koga, Councilmember
Alison Hicks, Councilmember
Ellen Kamei, Councilmember
Lucas Ramirez, Councilmember
Emily Ann Ramos, Councilmember

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

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

5:00 PM

Tuesday, January 23, 2024

SPECIAL JOINT CLOSED SESSION WITH CITY OF SUNNYVALE CITY COUNCIL: 5:00 P.M.

The addresses for the teleconference locations are Council Chambers, City Hall, 456 W. Olive Ave., Sunnyvale, CA 94086 and Council Chambers, 500 Castro St., Mountain View, CA 94041.

Closed Session online link: <https://zoom.us/j/96111580540>

Special Teleconference Notice: The Special Joint Closed Session Meeting between the Mountain View City Council and the Sunnyvale City Council is being conducted via teleconference, as allowed by Government Code Subdivision 54953(b).

REGULAR MEETING - 6:30 P.M.

This meeting is being conducted with a virtual component. Anyone wishing to address the Council virtually may join the meeting online at: <https://mountainview.zoom.us/j/84351267142> or by dialing (669) 900-9128 and entering Webinar ID: 843 5126 7142. When the Mayor announces the item on which you wish to speak, click the "raise hand" feature in Zoom or dial *9 on your phone. When the Mayor calls your name to provide public comment, if you are participating via phone, please press *6 to unmute yourself.

5:00 P.M.-SPECIAL JOINT CLOSED SESSION WITH CITY OF SUNNYVALE CITY COUNCIL

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

2. CLOSED SESSION

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

6:30 P.M.-REGULAR SESSION

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT CALENDAR

These items will be approved by one motion unless any member of the Council or audience wishes to remove an item for discussion. The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.

4.1 Amendments to Chapter 8 (Buildings), Chapter 25 (Neighborhood Preservation), Chapter 28 (Subdivisions), Chapter 32 (Trees, Shrubs and Plants), Chapter 35 (Water, Sewage and Other Municipal Services), and Chapter 36 (Zoning) of the City Code (Second Reading)

- Recommendation(s):**
1. Find the proposed amendments to Chapter 8 (Buildings), Chapter 25 (Neighborhood Preservation), Chapter 28 (Subdivisions), Chapter 32 (Trees, Shrubs and Plants), Chapter 35 (Water, Sewage and Other Municipal Services), and Chapter 36 (Zoning) of the Mountain View City Code to be exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061, Subsections (b)(1) through (b)(3), as the amendments are to align with State legislation, implement adopted Housing Element programs, relate to ministerial activities otherwise categorically exempt under the CEQA Guidelines, and are otherwise covered by the common-sense exemption that the amendments will not result in a significant effect on the environment.
 2. Adopt a Resolution of the City Council of the City of Mountain View Making Findings Required by California Public Utilities Code Section 21676 and Overruling the Santa Clara County Airport Land Use Commission's Determination of Inconsistency with the Comprehensive Land Use Plan for Moffett Federal Airfield Related to Zoning Ordinance Text Amendments to Chapter 36 (Zoning) of the City Code to Align with Recently Enacted State Law, Implement 2023-2031 Housing Element Programs, Modify and Clarify Administrative and Development Review Procedures, and Make Other Nonsubstantive Amendments, to be read in title only, further reading waived (Attachment 1 to the Council report). (2/3 vote of the Council required)
 3. Adopt an Ordinance of the City of Mountain View Amending Chapter 36 (Zoning) of the City Code to Align with Recently Enacted State Law and to Implement 2023-2031 Housing Element Programs, Including Updates to Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations, the Land Use Tables and Development Standards in Residential, Commercial, and Industrial Zones Related to Low-Barrier Navigation Centers, Child Day-Care, Employee Housing, and Other Residential Uses, and Parking Requirements, and Provisions for Micro-Enterprise Home Kitchen Operations and Hydrogen Fueling Stations; to Modify Provisions Related to Entitlement Applications, Development Review, Hearing and Extension Processes; to Clarify or Streamline Existing Procedures and Practices; to Incorporate Permit Provisions for Moving Buildings; and to Make Modifications, Clarifications, and Technical Corrections, to be read in title only, further reading waived (Attachment 2 to the Council report). (First reading: 7-0)

4. Adopt an Ordinance of the City of Mountain View Approving Amendments to Chapter 8 (Buildings), Chapter 25 (Neighborhood Preservation), Chapter 32 (Trees, Shrubs and Plants), and Chapter 35 (Water, Sewage and Other Municipal Services) to Replace References to the Development Review Committee with Design Review, Align with State Laws on Electric Vehicle Charging Requirements and Micro-Enterprise Home Kitchen Operations, and Relocate Certain Accessory Dwelling Unit Provisions from Chapter 36 into Chapter 8; and Amendments to Chapter 28 (Subdivisions) to Modify Lot Line Adjustment Procedures and Clarify Existing Subdivision Map Extension Procedures, to be read in title only, further reading waived (Attachment 3 to the Council report). (First reading: 7-0)

Attachment(s): [Council Report](#)

[ATT 1 - Resolution to Override ALUC Determination](#)

[ATT 2 - Ordinance to Amend Chapter 36 \(Zoning\)](#)

[ATT 3 - Ordinance to Amend Chapters 8, 25, 28, 32 and 35](#)

[ATT 4 - Caltrans Response Letter](#)

4.2 Modifications to Council Policy A-11, Financial and Budgetary Policy

Recommendation(s): Adopt a Resolution of the City Council of the City of Mountain View Amending City Council Policy A-11, Financial and Budgetary Policy, to be read in title only, further reading waived (Attachment 1 to the Council report).

Attachment(s): [Council Report](#)

[ATT 1 - Resolution](#)

[ATT 2 - CFC Report](#)

[ATT 3 - Council Policy A-11 \(redline\)](#)

4.3 South Bay Salt Pond Restoration, Project 18-53-Agreement with California State Coastal Conservancy

Recommendation(s): 1. Authorize the City Manager or designee to execute a Memorandum of Agreement with the California State Coastal Conservancy to design and construct the erosion protection, Bay Trail reconstruction, and Mitigation Channel outfall projects at the Shoreline at Mountain View Regional Park to support the South Bay Salt Pond Restoration, Project 18-53, Phase 2 of the Alviso-Mountain View pond complex at Pond A2W.

2. Find that in accordance with the California Environmental Quality Act requirements, the erosion protection project is categorically exempt as Class 1, Existing Facilities, under California Public Resources Code Section 15301, and the Bay Trail reconstruction and Mitigation Channel outfall projects are categorically exempt as Class 1, Existing Facilities, and Class 2, Replacement or Reconstruction, under California Public Resources Code Section 15301 and Section 15302.

Attachment(s): [Council Report](#)

4.4 California Street (West) Complete Street Improvements, Pilot, Project 21-40-Professional Services Agreement

Recommendation(s): Authorize the City Manager or designee to amend the professional services agreement with BKF Engineers, a California corporation, for California Street (West) Complete Street Improvements, Pilot, Project 21-40, to add \$120,000 for a not-to-exceed amount of \$480,000.

Attachment(s): [Council Report](#)

4.5 San Antonio Area Sewer Improvements, Construction (Phase II), Project 19-45-Construction Contract

Recommendation(s): 1. Appropriate and transfer \$494,000 from the Wastewater Capacity Fee Fund to San Antonio Area Sewer Improvements, Construction (Phase II), Project 19-45, increasing the project budget from \$2,349,000 to \$2,843,000. (Five votes required)

2. Authorize the City Manager or designee to award a construction contract to K.J. Woods Construction, Inc., for \$2,009,000, which includes a \$183,000 construction contingency.

Attachment(s): [Council Report](#)

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. Speakers are allowed to speak on any topic within the City Council's subject matter jurisdiction for up to three minutes during this section. If there appears to be a large number of speakers, speaking time may be reduced to no less than 1.5 minutes. State law prohibits the Council from acting on nonagenda items.

6. STUDY SESSION

6.1 Caltrain Grade Separation Projects

Recommendation(s): The purpose of this Study Session is to provide an update on the status and cost estimates for the Castro Street (Transit Center) and Rengstorff Avenue Caltrain Grade Separation Projects and obtain Council direction on priorities and funding for the projects.

Attachment(s): [Study Session Memo](#)

[ATT 1 - Council Transportation Committee Memo](#)

7. NEW BUSINESS

7.1 Appointing an Extra-Help Retired Annuitant Under Government Code Sections 7522.56 and 21224

Recommendation(s): 1. Adopt a Resolution of the City Council of the City of Mountain View for an Exception to the 180-Day Wait Period, Government Code Sections 7522.56 and 21224, to be read

in title only, further reading waived (Attachment 1 to the Council report).

2. Appropriate \$75,000 in the General Non-Operating Fund in the Human Resources Department for retired annuitant wages.

Attachment(s): [Council Report](#)
[ATT 1 - Resolution](#)

7.2 Joint Use Agreement with Mountain View Whisman School District

Recommendation(s): Authorize the City Manager or designee to execute a Joint Use Agreement between the Mountain View Whisman School District and the City of Mountain View for recreational use of school sites, in reliance on the letter from the Mountain View Whisman School District dated December 8, 2023.

Attachment(s): [Council Report](#)
[ATT 1 - Joint Use Agreement](#)
[ATT 2 - City Manager Letter to the Superintendent](#)
[ATT 3 - Board of Trustees Letter to the Mayor and Councilmembers](#)

7.3 2024 Gatekeeper Review Process

Recommendation(s): Provide direction to staff on the process to accept Gatekeeper applications in 2024.

Attachment(s): [Council Report](#)

8. COUNCIL, STAFF/COMMITTEE REPORTS

No action will be taken on any questions raised by the Council at this time.

9. CLOSED SESSION REPORT

10. ADJOURNMENT

NOTICE TO THE PUBLIC:

There is a 90-day limit for the filing of a challenge in Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting.

The agenda, reports, and any writings or documents provided to a majority of the City Council regarding any item on this agenda are posted at <https://mountainview.legistar.com> under the meeting details for the date of this meeting. The agenda may also be viewed at City Hall, 500 Castro Street, the City Clerk's Office, 500 Castro Street, Third Floor and at the Mountain View Library, 585 Franklin Street, beginning the Friday morning prior to Tuesday City Council meetings. Printed copies of the agenda, reports, and any writings or documents already provided to a majority of the City Council regarding any item on this agenda may be requested at the City Clerk's Office during normal business hours.

The Council may consider and act on items listed on the agenda in any order and thus those interested in an item listed on the agenda are advised to be present throughout the meeting. The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise. Per Council Policy A-13, no new items of business will begin after 10:00 p.m. unless an exception is made by vote of the Council.

Pursuant to the Americans with Disabilities Act (ADA), if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 903-6399 or by email at city.clerk@mountainview.gov 48 hours prior to the meeting so the City can make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.160 (b) (1)). If you have a hearing or speech disability, please use the California Relay System at 711, TDD 650-967-0158 or 800-735-2929.

The City of Mountain View does not discriminate on the basis of race, color, religion, national origin, sex, disability, age, source of income, gender, gender expression or identity, or any other State or Federal protected class in any of its policies, procedures or practices. This nondiscrimination policy covers admission and access to, or treatment or employment in, the City of Mountain View programs and activities. For inquiries regarding the nondiscrimination policy, please contact the City's Section 504 Coordinator at laurel.james@mountainview.gov or 650-903-6397.

Computer-generated captioning of the City Council meeting is unedited and should neither be relied upon for complete accuracy nor used as a verbatim transcript.

ADDRESSING THE COUNCIL:

Email comments to city.council@mountainview.gov by 4:30 p.m. on the meeting date. Emails will be received directly by the City Council. Please identify the Agenda item number in the subject line of your email. Requests to show an audio or video presentation during a Council meeting should be directed to city.clerk@mountainview.gov by 4:30 p.m. on the meeting date.

Anyone wishing to address the Council in person must complete a blue speaker card indicating the name you would like to be called by when it is your turn to speak and the item number on which you wish to speak. Please complete one blue speaker card for each item on which you wish to speak. Virtual and in-person speakers will be called in order as determined by the Mayor.

Pursuant to Council Policy A-13, an individual speaker shall have up to 3 minutes to address the Council. For any agenda item or for Oral Communications on nonagenda items, if there appears to be a large number of speakers, the Mayor may reduce speaking time to no less than 1.5 minutes per speaker unless there is an objection from Council by majority vote.

If requested in advance of the public input portion of the agenda item to the Mayor or City Clerk, a speaker who represents five or more members of the public in attendance who complete cards but elect not to speak may have up to 10 minutes to address the Council, if the Mayor determines that such extension will reduce the total number of speakers who planned to speak.

An applicant and/or appellant for a zone change, precise plan or quasi-judicial hearing or appeal to the Council shall have up to 10 minutes to address the Council and, with the consent of the Council, two minutes of rebuttal at the conclusion of all public speakers.

The presiding officer may remove or cause the removal of any individual(s) for disrupting a meeting in accordance with California Government Code section 54957.95, as may be amended from time to time. In accordance with California Government Code section 54957.9, as may be amended from time to time, the Council may order a meeting room cleared and continue in session in the event a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting impossible, and order cannot be restored by the removal of individuals who are disrupting the meeting.

Pursuant to Government Code Section 54954.3(b)(1), at least twice the allotted speaking time will be provided to a member of the public who utilizes a translator.

Russian, Spanish or Chinese interpretation is available via Zoom upon request. Please contact the City Clerk's office by 5:00 p.m. at least two business days prior to the day of the scheduled Council meeting by phone at (650) 903-6399 or by email at city.clerk@mountainview.gov

La interpretación en ruso, español o mandarín está disponible a través de Zoom si se solicita. Comuníquese con la Oficina de la Secretaría Municipal antes de las 5:00 p. m. con al menos dos días hábiles antes del día en que la reunión del concejo está programada. Comuníquese por teléfono al (650) 903-6399 o por correo electrónico a city.clerk@mountainview.gov

可应要求通过 Zoom 提供俄语、西班牙语或中文口译服务。请至少在预定的市议会会议召开的两个工作日前在下午 5:00 之前联系市书记办公室，致电 (650) 903-6399 或发送电子邮件至 city.clerk@mountainview.gov

По запросу предоставляется перевод на русский, испанский и китайский языки через Zoom. Обращайтесь в офис городского секретаря до 17.00 не позже, чем за два рабочих дня до даты заседания совета. Звоните по телефону (650) 903-6399 или пишите по электронной почте city.clerk@mountainview.gov