



Christopher R. Clark, Councilmember
John M. Inks, Councilmember
R. Michael Kasperzak, Jr., Councilmember

Ken S. Rosenberg, Vice Mayor
John McAlister, Councilmember
Leonard M. Siegel, Councilmember

Daniel H. Rich, City Manager
Lorrie Brewer, City Clerk

Patricia Showalter, Mayor

Jannie L. Quinn, City Attorney

August 09, 2016

City Hall & MVCPA SecondStage - 500 Castro St.

5:30 P.M.-CLOSED SESSION (HELD IN THE ATRIUM CONFERENCE ROOM AT CITY HALL)

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

At 5:30 p.m., an announcement was made by City Attorney Quinn, who described the item that Council would consider on the Closed Session Agenda below.

2. CLOSED SESSION

2.1 Conference with Real Property Negotiator (§54956.8)—Property: (Vacant property at View Street and Villa Street; no street address) (APN 158-22-028)—Agency Negotiator: Dennis Drennan, Real Property Program Administrator—Negotiating Party: Castle Farms LP and unknown party—Under Negotiation: Price and Terms of Payment for the Sub-Leasing of Real Property

2.2 Conference with Real Property Negotiator (§54956.8)—Properties: (Downtown Lot 4, no street address, APN 158-20-069) (701 West Evelyn Avenue, APN 158-20-066) (727-747 West Evelyn Avenue, APN 158-20-015) (702-738 Villa Street, APN 158-20-008)—Agency Negotiators: Alex Andrade, Economic Development Manager and Dennis Drennan, Real Property Program Administrator—Negotiating Parties: The Robert Green Company and Marwood Assets Management—Under Negotiation: Price and Terms of Payment

At 5:34 p.m., Mayor Showalter called the meeting. All Councilmembers were present with the exception of Vice Mayor Rosenberg.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS AND/OR WITH RECOMMENDATIONS:

Ellis Berns
Dennis Randall, Jr., Insight Realty Company Managing Director

Mayor Showalter closed the meeting to the public at 5:41 p.m.

The Study Session concluded at 6:21 p.m.

6:30 P.M.-REGULAR SESSION (HELD IN THE MOUNTAIN VIEW CENTER FOR PERFORMING ARTS, SECONDSTAGE)

1. CALL TO ORDER

Mayor Showalter called the meeting to order at 6:36 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Showalter led the Pledge of Allegiance.

3. ROLL CALL

Present: 6 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, and Mayor Showalter

Absent: 1 - Vice Mayor Rosenberg

4. CONSENT CALENDAR

MOTION - MS - Siegel/McAlister - To approve the Consent Calendar with a correction to the June 14, 2016 Minutes to include the year 1969 to Mr. Letcher's Oral Communication comments.

The motion carried unanimously.

Yes: 6 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, and Mayor Showalter

Absent: 1 - Vice Mayor Rosenberg

4.1 Approval of Minutes.

That Council approve the following minutes:

- 1. June 14, 2016 Council meeting; and**
- 2. June 21, 2016 Council meeting.**

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Don Letcher

4.2 Doane and Drew Avenues Reconstruction, Projects 14-29 and 15-27-Accept Construction.

Accept Doane and Drew Avenues Reconstruction, Projects 14-29 and 15-27, and authorize the final contract payment.

4.3 Rengstorff Park Lighting Improvements, Project 15-42-Accept Construction.

Accept Rengstorff Park Lighting Improvements, Project 15-42, and authorize the final contract payment.

4.4 Permanente Creek Trail-Amphitheatre Parkway Crossing, Project 15-37—Award Construction Contract.

Award the construction contract to O’Grady Paving, Inc., of Mountain View, for the Permanente Creek Trail-Amphitheatre Parkway Crossing, Project 15-37, in the amount of \$412,595, including a construction contingency of \$29,000.

4.5 Mountain View Community Center Remodel, Project 15-43-Authorize Advertising for Responsible Bidders.

Authorize staff to advertise for determination of responsible bidders as the first phase of the bidding process for the Mountain View Community Center Remodel, Project 15-43.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Don Letcher

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Stephanie Munoz expressed appreciation to Council for all its governance. Ms. Munoz stated that although Councilmembers Inks and Kasperzak were not successful in their Assemblymember campaigns, the City of Mountain View can still make efforts to improve affordable housing and transportation issues.

Larry Voytilla spoke in support of using recycled water to keep the City of Mountain View trees green.

Don Letcher expressed concerns with the criteria not being followed with the development of the park at 771 Rengstorff, specifically with the removal of trees.

Linda Curtis expressed concerns with the removal of trees on the Greystar project, and she requested that Council leave Castro Street the way it is.

Robert Holbrook expressed concerns with air traffic noise and requested that the City of Mountain View participate in the discussion being held to address this issue by the Select Committee On South Bay Arrivals.

6. PUBLIC HEARING - None.

7. NEW BUSINESS

7.1 Certification of Results of Initiative Petition and Submission to the Voters of a Ballot Measure Regarding the Community Stabilization and Fair Rent Act Charter Amendment Initiative Petition.

Note: Presentations and public comments were provided for both items 7.1 and 8.1 simultaneously.

Senior Assistant City Attorney Chopra and City Attorney Quinn presented oral staff reports and they, City Manager Rich and Affordable Housing Associate Planner van Deursen, responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS AND/OR WITH RECOMMENDATIONS:

Don Letcher

Stephanie Munoz

Gary Wesley

Donald Gardner

Bruce Herrmann

John Sorenson. Mr. Sorenson also responded to Council's questions.

Stephanie Sorenson

Unidentified man

Shari Emling

Larry Voytilla

Steven Goldstein

Barbara Goodwin

Gail Nyhan

John Carpenter

Mike Fischetti

Ruth Silver Taube

Joan MacDonald. Ms. MacDonald also responded to Council's questions.

Olga Melo, speaking in Spanish, translated in English

Gene Lee

Linda Curtis

Marilu Delgado

Martin Eichner. Mr. Eichner also responded to Council's questions.

Kris Grover. Mr. Grover also responded to Council's questions.

Maria Marroquin

Serge Bonte

Melissa Morris. Ms. Morris also responded to Council's questions.

Daniel DeBolt

Council recessed at 8:25 p.m. and reconvened at 8:43 p.m.

MOTION - M/S Siegel/Kasperzak - To authorize the Mayor to create an ad hoc committee to prepare the arguments and rebuttals for the measure.

Yes: 6 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, and Mayor Showalter

Absent: 1 - Vice Mayor Rosenberg

MOTION - M/S Clark/McAlister - To approve the following ballot question for the Rent Stabilization Charter Amendment measure as follows:

Shall a Rent Stabilization CITY CHARTER AMENDMENT be adopted enacting rent regulation and prohibiting amendments except by Citywide election, with annual rent increases limited to the Consumer Price Index (minimum 2%, maximum 5%) for most multifamily rental units built before February 1, 1995; prohibiting evictions without just cause for rental units built before this measure becomes effective; creating a Rental Housing Committee authorized to enact regulations, hire staff, expend funds, and charge landlords fees to implement this amendment?

The motion carried by the following vote:

Yes: 5 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, Councilmember McAlister, and Mayor Showalter

No: 1 - Councilmember Siegel

Absent: 1 - Vice Mayor Rosenberg

MOTION - MS - Kasperzak/Inks - To: 1. Adopt the following resolutions pertaining to the 2016 General Municipal Election:

a. Adopt Resolution No. 18087 of the City Council of the City of Mountain View Accepting the Santa Clara County Registrar of Voters Certification of Sufficiency of "The Community Stabilization and Fair Rent Act Charter Amendment" Initiative Petition, to be read in title only, further reading waived (Attachment 1 to the Council report); and

b. Adopt Resolution No. 18088 and Order of the City Council of the City of Mountain View Calling a General Municipal Election and Ordering Consolidation with the Statewide General Election for the Purpose of Submitting to the Voters a Proposed Initiative Measure Entitled "The Community Stabilization and Fair Rent Act Charter Amendment," and Authorizing the City Clerk to Contract with the County of Santa Clara for Services to Be Performed in Connection with the Statewide General Election to Be Held on Tuesday, November 8, 2016, and Related Actions, to be read in title only, further reading waived (Attachment 2 to the Council report).

The motion carried by the following vote:

Yes: 6 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, and Mayor Showalter

Absent: 1 - Vice Mayor Rosenberg

8. UNFINISHED BUSINESS

8.1 Consideration of a Council-Initiated Ballot Measure Regarding Rent Regulation, Dispute Resolution, and Just-Cause Eviction.

MOTION - M/S Kasperzak/Clark - To not include Mobile Homes in the definitions.

The motion carried by the following vote:

Yes: 4 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, and Councilmember McAlister

No: 2 - Councilmember Siegel, and Mayor Showalter

Absent: 1 - Vice Mayor Rosenberg

MOTION - M/S Showalter/Siegel - That Section 43.26 be amended to exclude debt service with the exception of capital improvements as a pass through.

The motion carried by the following vote:

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

No: 2 - Councilmember Inks, and Councilmember Kasperzak

Absent: 1 - Vice Mayor Rosenberg

MOTION - M/S Clark/McAlister - To add the following language to Section 43.32(c) to read: "Exemption. A Rental Unit shall be exempt from this Section 43.32 if the Landlord provides verification to the city of compliance with the tenant relocation assistance ordinance (MVCC § 36.38 et. seq.) for that Rental Unit and the city has reviewed and approved the verification."

The motion carried by the following vote:

Yes: 4 - Councilmember Clark, Councilmember Kasperzak, Councilmember McAlister, and Mayor Showalter

No: 2 - Councilmember Inks, and Councilmember Siegel

Absent: 1 - Vice Mayor Rosenberg

MOTION - M/S Siegel/Showalter - To keep Section 43.32(2)(A) in the ordinance.

The motion carried by the following vote:

Yes: 4 - Councilmember Clark, Councilmember Kasperzak, Councilmember Siegel, and Mayor Showalter

No: 2 - Councilmember Inks, and Councilmember McAlister

Absent: 1 - Vice Mayor Rosenberg

By consensus, the City Attorney was directed to modify Section 43.32(7)(F) to read: " A Landlord may not evict a Tenant pursuant to this Subsection if the Tenant has resided in the Rental Unit for at least five (5) years and is certified as being terminally ill by the Tenant' s treating physician. Notwithstanding the above, a Landlord may evict a Tenant who qualifies for the exemption herein if the Landlord or enumerated relative who will occupy the Rental Unit also meets the criteria for this exemption and no other units are available."

MOTION - M/S Kasperzak/Clark - To approve all of the current language in Section 43.33.

The motion carried by the following vote:

Yes: 5 - Councilmember Clark, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, and Mayor Showalter

No: 1 - Councilmember Inks

Absent: 1 - Vice Mayor Rosenberg

By consensus, Mayor Showalter was authorized to develop an ad hoc committee to work on the argument/rebuttals for the measure.

By consensus, Staff was directed to not print the entire text of the measure in the voter pamphlet.

MOTION - M/S Showalter/Clark - To approve the ballot question to read as follows: "Shall a RENT STABILIZATION ORDINANCE be adopted requiring a tenant-landlord dispute resolution program and binding arbitration for rent increase disputes exceeding 5% of base rent per 12-month period and service reductions for most multifamily rental units with a certificate of occupancy before February 1, 1995; prohibiting eviction of tenants without just cause or relocation assistance; prohibiting substantive changes for two years, and requiring a super majority City Council vote for substantive changes thereafter?"

The motion carried by the following vote:

Yes: 5 - Councilmember Clark, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, and Mayor Showalter

No: 1 - Councilmember Inks

Absent: 1 - Vice Mayor Rosenberg

MOTION - M/S Showalter/Kasperzak - To:

- 1. Adopt Resolution No. 18089 and Order of the City Council of the City of Mountain View Calling a General Municipal Election and Ordering Consolidation with the Statewide General Election for the Purpose of Submitting a Ballot Measure Regarding Rent Regulation, Dispute Resolution, and Just-Cause Eviction to the Voters and Authorizing the City Clerk to Contract with the County of Santa Clara for Services to be Performed in Connection with the Statewide General Election to be Held on Tuesday, November 8, 2016, and Related Actions, to be read in title only, further reading waived (Attachment 1 to the Council report);**
- 2. Direct the City Attorney to prepare an impartial analysis of the proposed ballot measure; and**
- 3. Direct the City Clerk and the City Attorney to take all necessary actions to submit the proposed ballot measure to the voters.**

The motion carried by the following vote:

- Yes:** 4 - Councilmember Clark, Councilmember Kasperzak, Councilmember McAlister, and Mayor Showalter
- No:** 2 - Councilmember Inks, and Councilmember Siegel
- Absent:** 1 - Vice Mayor Rosenberg

9. COUNCIL, STAFF/COMMITTEE REPORTS

Councilmember Siegel reported on his attendance at the Smart Growth America Policy Forum.

Mayor Showalter reported on her attendance at the Stevens Creek Trail Joint Cities Working Team meeting.

10. CLOSED SESSION REPORT - None.

11. ADJOURNMENT - At 11:20 p.m., Mayor Showalter adjourned the meeting to the next Council meeting to be held on September 6, 2016 at 6:30 p.m. in Chambers, 500 Castro St.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
CITY CLERK

PATRICIA SHOWALTER
MAYOR