

Council Questions

December 6, 2022 - Special City Council Meeting

ITEM 4.1 Modifications to City Council Policy A-13, City Council Meetings, and the City Council Code of Conduct

1. On page 5 of the staff report it says – 11. Robert’s Rules are modern, simplified rules of parliamentary procedure and are more consistent with Council’s current procedures. Should this say Rosenberg’s rather than Robert’s?

Yes, the reference to Robert’s Rules on page 5, section 11 of the Council Report is an inadvertent typo. The sentence should read:

“The City Attorney’s Office is recommending that this section be amended to adopt Rosenberg’s Rules of Order as the guide to parliamentary procedure that should be followed on matters that are not covered by Council Policy A-13. ~~Robert’s~~ Rosenberg’s Rules are modern, simplified rules of parliamentary procedure and are more consistent with the Council’s current procedures.”

The amendments to Council Policy A-13 and the Council Code of Conduct correctly reflect the change from Robert’s Rules to Rosenberg’s Rules

2. On page 13 of the policy for item 7 Reconsider. Can this be tweaked to say M†, rather than Mt?

Yes

3. On page 14 of the policy for Reconsider. Is this saying that a new member of the council who was not on council when an item was voted on, cannot propose that it be reconsidered?

Yes, that is what the policy is saying. A new member of the council who was not on council when an item was voted on cannot move to reconsider that item. This is the rule under both Robert’s Rules and Rosenberg’s Rules because a tenet of parliamentary procedure is finality. Robert’s Rules state “only a member who voted with the prevailing side in the initial decision may move to reconsider”. Rosenberg’s Rules state “a motion to reconsider may be made only by a member who voted in the majority on the original motion”.

4. Who is on the Council Policy and Procedures Committee? Since we have so many committees, it would be more transparent to list who sat on the Committee in question in Council reports. Is there something prohibiting this from happening?

The current members of the Policy and Procedures Committee are Mayor Ramirez, Vice Mayor Hicks and Councilmember Matichak. We will include the names of the committee members in staff reports moving forward.

5. On page 4 section on Consent Calendar. I thought we had also agreed that this was the appropriate time to *comment* on items we didn't want to pull. Why isn't that mentioned?

The Council did not provide direction to modify anything related to the Consent Calendar procedure. City Council only voted to consider: 1) whether the City should follow Rosenberg's Rules instead of Robert's Rules; 2) whether a provision governing how Councilmembers may share information they obtain from attending regional board meetings should be added to the Council's policies; and 3) whether a provision governing Councilmember attendance at meetings should be added to the Council's policies. Therefore, the section governing Consent Calendars (section 4) was not reviewed for modifications. We can however modify this section at another time to clarify that councilmembers may comment on items on the consent calendar if Council wishes to do so.

6. On page 5 section on Council/Committee Reports. The issue of how to distribute information collected at outside meetings has been discussed. The answer is on page 19 under Administrative Matters. This is confusing. Please add to the Council/Committee Reports that the Clerk can distribute the reports.

Section 10 (Council, Staff, Committee Reports) on page 5 of Council Policy A-13 governs what Councilmembers and staff may report during a council meeting. Section 18.b.3 on page 19 of Council Policy A-13 governs how councilmembers may share and circulate documents from regional boards outside of council meetings.

7. Why is the member of the regional body prohibited from making a statement of why they are sending it to everyone which would generally be a summary?

Councilmembers are not prohibited from making a brief statement about why they are sending the documents to the entire Council in their email to the City Clerk requesting distribution of the documents to the entire Council. For example, it would be ok to state the following in your email to the Clerk:

"On January 1, 2022, I attended a [regional agency] meeting. At the meeting, I heard a presentation on [subject]. I would like to share with the entire Council the attached PowerPoint slides and report on [subject] that I received at the meeting. Pages 25-50 of the report are the most relevant to the City of Mountain View."

The Clerk will then forward the substance of the brief statement along with the documents to the entire Council.

However, it would be a Brown Act violation to summarize or provide any personal opinion and/or thoughts on the substance of documents or reports that an individual Councilmember would be sharing with the entire Council. Therefore, in the event that a summary or opinion is shared, the City Clerk will not be able to forward the summary or opinion to the entire Council, just the attached documents.

8. On page 7, Council discussion; Motion: This section does describe our customary process. It seems unnecessary to state it.

MV City Council's customary process for motions is a combination of the motions processes under Robert's Rules and Rosenberg's Rule. Therefore, it is necessary to memorialize Council's custom motion process in an adopted policy to provide clarity and consistency.

ITEM 4.2 Adopt a Resolution Modifying Council Policy D-13, Mountain View Employee Homebuyer and Relocation Assistance Program

1. At what interest rate are the two current two home loans made?

The fixed interest rate for all City loans is determined based on the Applicable Federal Rate (AFR) at the time the loan is issued. The interest rate for the two existing loans is 1.97% and 2.64%, respectively. The current AFR rate (as of December 2022) is 4.29%.

2. What about the subordinate loan requirements for the *All-Employee* program? Has that been changed as well?

The All-Employee program does not include a subordinate loan provision; therefore, a change was not needed.

3. Did the subordinate loan requirement mean that any employee buying a home would effectively be using the City loan as their primary mortgage, meaning that they would have to pay rates for a secondary mortgage which are normally significantly higher on any other loan that was needed?

Yes, the subordinate loan provision means that the City loan must be the primary loan. A loan subordination provision is usually a requirement of the primary lender in cases where more than a single loan amount is required to finance a home purchase. If a second loan is obtained to meet the minimum equity requirement when sufficient cash is not available, the subordinate loan provision gives the primary lender control over the terms and provisions of how a loan is structured and legal priority in being repaid before lienholders with a lower priority. If a borrower obtains a second loan, a higher interest rate is often charged to make up for the higher risk being assumed by a lienholder in a second position as they assume more risk of loss should there not be sufficient funds to repay the full loan.

4. What kind of training is planned to spread the word about the improvements to these programs?

New employees continue to receive information related to the program in their benefit orientations. In addition, upon incorporating the new policy changes into the administrative procedures, Human Resources will partner with Community Development Department's Housing Division and Finance and Administrative Services staff to finalize program documents and guidelines and to host informational sessions and provide marketing materials to all employees.

ITEM 4.5 MV Community Shuttle EV Charging Units, Project 22-44-Various Actions

1. What is the long-term plan for charging if this is an interim site? And how long will the interim site be used?

Staff is searching for a long-term site for storing and charging the Community Shuttle vehicles. We estimate that the interim site will be in use for 3 to 5 years. Staff has also confirmed that the shuttle bus chargers being installed at the interim site can be moved to a new site once a long-term or permanent site is secured.

ITEM 4.6 Mountain View Child-Care Center Operator Agreement Modifications

1. Was staff aware that Ability Path was not paying the CPI increase for the past three years?

Staff became aware of the concern during the Covid-19 pandemic, Ability Path communicated to staff its significant financial challenges and outlook resulting from the pandemic, which included periods of closure and/or operating at a lower capacity.

2. What's going to happen to the childcare fees? Will they need to jump the full amount of the CPI index increases?

Ability Path analyzes their fees annually and passes along increases at or above Consumer Price Index (CPI) to continue operations. Our contract does not include the ability to deny any increases in fees, but we do require 30-day advance notice to families.

3. Were there discussions between Ability Path and the city prior to this council meeting on this topic? If so, what, if anything, was Ability Path told regarding payment of the CPI increases?

Staff discussed this periodically with Ability Path the during the pandemic. Staff communicated the CPI waiver would require Council action and if not approved Ability Path would be required to process a true-up payment. Ability Path continued to pay its base payment without the inclusion of the proscribed Consumer Price Index (CPI) adjustments until its operations stabilized.

ITEM 6.1 Valley Transportation Authority Board of Directors-Mountain View Nominee for Alternate

1. Which councilmembers have served on the VTA PAC and what was their attendance record?

Councilmembers Kamei (2022, 2021), Abe-Koga (2020, 2014), and Matichak (2019) are the only members of the current Council who have served as VTA PAC members in the last 8 years. Mayor Ramirez has served as a PAC alternate for the last two years and Councilmember Showalter served as an alternate in 2016.

The attendance records for the VTA PAC members since 2019 are shown below:

Year	Councilmember	# of Meetings	# Present	Other
2022 (thru Nov)	Kamei	8	3 (On excused Family Leave)	Alternate attended meetings
2021	Kamei	10	9	
2020	Abe-Koga	7	6	
2019	Matichak	8	8	

ITEM 7.2 1265 Montecito Avenue Affordable Housing Development and Funding Appropriation

1. Could you please provide a comparison of this project to the Alta Housing project at 950 West El Camino Real in terms of # of units, # of parking spaces, resident % of AMI? If I recall correctly, the Alta Housing project has 71 units, but I don't recall the number of parking spaces or the resident % of AMI.

Summary Comparison Table

Dev. Standard/Metric	950 W El Camino Real (Alta Project)	1265 Montecito Ave (Charities Project)
No. of Units	71	85
No. of Parking Spaces	32 vehicle & 2 motorcycle	45 vehicle spaces
Average Median Income (AMI)	30-70 % AMI	30-60 % AMI – some households will have lower incomes and will be subsidized by other funding sources

2. When the county owns property in the city, do they have to abide by all General Plan, Precise Plan and/or zoning regulations? If not, what governs their use of the land?

When county-owned land is used for a non-governmental use, such as private development, then local regulations including the General Plan and Zoning apply. If the land is used for a governmental purpose, however, the county would generally not be subject to City regulation under intergovernmental immunity. The county would have to adhere to the requirements of other regulatory agencies with jurisdiction (i.e., air quality district, regional water quality board, departments of the State of California) and State law.

3. Why are the street trees all one species rather than a variety of species?

The City has a Master Street Tree List, which has been in place for many years. Green Ash is listed as the designated street tree for Montecito Avenue. This list is intended for new development or other new construction (e.g., a new single-family home) to maintain the same street tree species for consistency, tying in with existing trees of the same species on the same street in the neighborhood.

ITEM 7.3 Downtown Precise Plan Update (Phase 1)

1. What is the definition of historic building/resource that is used in the Downtown Precise Plan? Is it all buildings along Castro in area H described as the historic retail core?

The definition for historic building(s) for the Downtown Precise Plan is based on the City's Historic Preservation Ordinance. The historic retail core (Area H) has some historic buildings, but not all buildings along Castro Street are considered historic.

2. What is the status of the project to register the eight previously identified buildings (124 Castro, 169 Castro, 191 Castro, 194 Castro, 201 Castro, 275 Castro, 292 Castro, 301 Castro) as historic resources?

The updates to the Historic Preservation Ordinance are ongoing. Staff is currently conducting a Citywide Historic Resource Survey (including downtown) and it is expected to conclude mid-2023. Once complete, resources that meet qualifications will be identified at the local level and nominated to be registered at the State and National level.

3. What is the current range of FARs in area H?

Historically, development intensity in area H has been based on design standards through the development review process (i.e. height, parking, open space, etc.). The highest FAR is 4.0 (the building on the corner of Evelyn and Bryant that was completed a few years ago). Most buildings are about 0.5 to 2.0 FAR. As proposed, the DTPP Phase 1 update would cap office FAR to a maximum of 2.75. Because this is an office limit, it could result in a total building FAR of approximately 3.5 FAR, assuming the ground floor is a combination of retail, restaurant or some other non-office use and a small office lobby.

4. Which projects in the pipeline would be exempt from the new standards and guidelines?

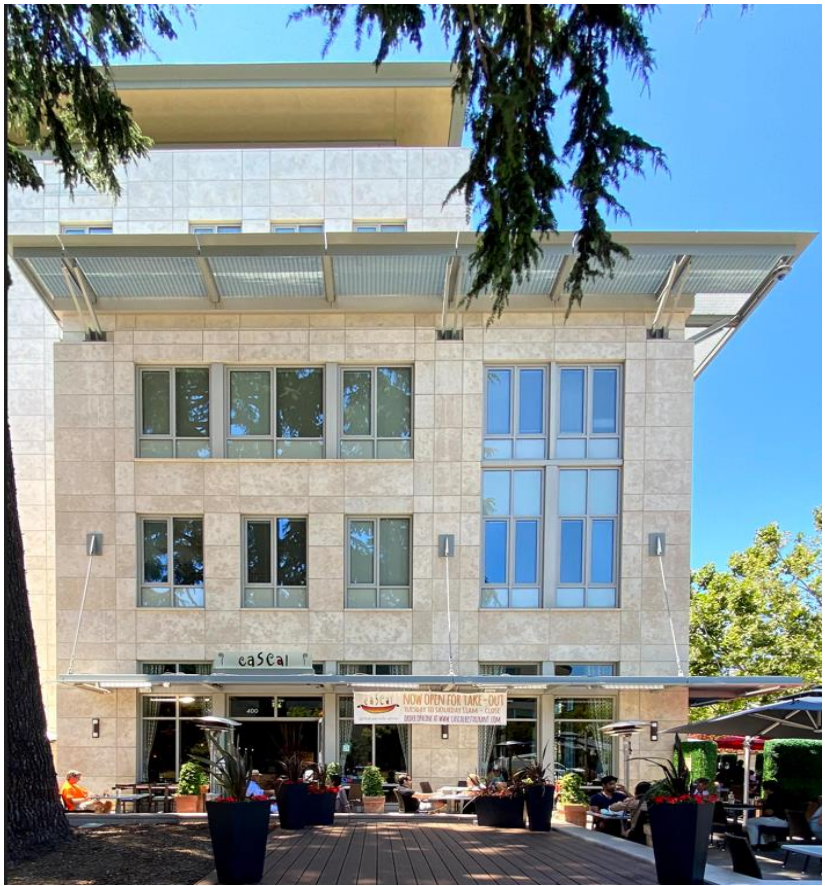
There are several approved projects that would not need to comply with the new standards. These include 701-747 West Evelyn Avenue (including their proposed modification to remove underground parking), 676 West Dana Street (a mixed-use building with upper floor residential), 747 West Dana Street (a small office building), and 756 California Street (another small office building). There is a façade modification under review at 372 Castro Street, which involves significant changes to windows, parapet and wall plane. Lastly, there are several minor façade modifications under review, but they are not substantial enough to be affected by the standards (e.g., paint, roof screens, etc.).

5. Will the Downtown Precise Plan Amendments Phase 2 (including the review of land use, development standards, parking requirements, and revisions to the downtown permit parking program) cover all the Downtown Precise Plan areas or just areas A, G and H?

Phase 2 has not started and Council has not provided this direction yet. However, previous Council direction was that Phase 1 would focus solely on Areas A, G and H and Phase 2 would include all areas covered by the Downtown Precise Plan.

6. Could staff provide photos or drawings of “punched-window” appearance and the more modern “glass curtain wall” appearance mentioned in the staff report?

Please see the images below on Page 7 and 8.



**Punched Window
Example 1**



**Punched Window
Example 2**



Glass Curtain Wall

7. Could staff provide photos or drawings of shadow detail mentioned in the staff report?



Shadow detail



Windows without shadow detail