



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

Plaza & Council Chambers - 500 Castro St.

5:00 PM

Tuesday, January 16, 2018

THIS MEETING WILL BE 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 WILL BE ACCESSIBLE TO THE PUBLIC AND AN AGENDA FOR THE MEETING WILL BE POSTED AT THAT LOCATION PURSUANT TO GOVERNMENT CODE SECTION 54953(b)(3). MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO ADDRESS THE LEGISLATIVE BODY AT THIS LOCATION.

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

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

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

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Councilmembers Abe-Koga, Clark, McAlister, Rosenberg, Showalter, Vice Mayor Matichak, and Mayor Siegel

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 Approval of Minutes.

Recommendation(s): 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.

Attachment(s): [11-28-17 Council Minutes](#)
[12-05-17 Council Minutes](#)
[12-12-17 Council Minutes](#)

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

Recommendation(s): Accept Stevens Creek Trail Landscape Improvements, Project 11-34, and authorize the final contract payment.

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

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.

- Recommendation(s):*
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.

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

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

Recommendation(s): 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.

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 number of topics for one three-minute period during the meeting. State law prohibits the Council from acting on nonagenda items.

6. PUBLIC HEARING**6.1 Adoption of an Ordinance Extending the Temporary Moratorium Prohibiting Commercial Cannabis Activity.**

Recommendation(s): Take one of the following actions to extend the Interim Urgency Ordinance (six votes required):

1. Adopt an Interim Urgency Ordinance Extending the Prohibition of Commercial Cannabis Activity in All Zoning Districts within the City of Mountain View for Ten (10) Months and Fifteen (15) Days (Attachment 1); or
2. 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).

Attachment(s): [Council Report](#)
[ATT 1 - Ordinance, Option 1](#)
[ATT 2 - Ordinance, Option 2](#)
[ATT 3 - Memo](#)

7. NEW BUSINESS

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

Recommendation(s): Staff recommends that the City Council 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; and
5. Allow one developer to participate in the TDR process but submit a Gatekeeper request at a later date, as discussed later in this report.

Attachment(s): [Council Report](#)
[ATT 1 - October 3, 2017 Council Report](#)
[ATT 2 - Potential School Sites](#)
[ATT 3 - Gatekeeper Request Letters and LOIs](#)
[ATT 4 - TDR Gatekeeper Map](#)
[ATT 5 - Vanni LOI](#)

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

The next Council Meeting will be held on Monday, January 22, 2018, tentatively at 9:00 a.m. at Samsung, 665 Clyde Avenue, Mountain View.

NOTICE

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, regardless of whether it is a regular or special meeting. For information on the next regular or special City Council meeting, please call (650) 903-6304.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, 500 Castro Street, Third Floor, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting. In addition, such writings and documents will be posted on the City's web site at www.mountainview.gov.

COUNCIL MEETINGS AND AGENDA

The City Council meets regularly on the second and fourth Tuesday of each month at 6:30 p.m. in the Council Chambers at City Hall, 500 Castro Street, Second Floor. Special meetings are called as necessary by the Mayor and noticed at least 24 hours in advance.

Interested parties may review the agenda, minutes and staff reports at the Mountain View Library, 585 Franklin Street, beginning the Thursday evening before each meeting and at the City Clerk's Office, 500 Castro Street, Third Floor, beginning Friday morning. Agenda materials may also be viewed electronically at www.mountainview.gov. Staff reports are also available at the Council Chambers during the meeting.

SPECIAL NOTICE—Reference: Americans with Disabilities Act, 1990. Anyone who is planning to attend the next City Council meeting who is visually or hearing-impaired or has any disability that needs special assistance should call the City Clerk's Office at 903-6304 48 hours in advance of the Council meeting to arrange for assistance. Upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed during the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.

The Council meetings are cablecast live on Channel 26 on the Mountain View Comcast cable system and are replayed on Thursday at 6:30 p.m., Saturday at 10:00 a.m., and Sunday at 5:00 p.m. following that week's Council meeting. In addition, Council Regular meetings are webcasted, and interested persons may visit the City's web site at www.mountainview.gov to watch the meetings live on their computer, laptop or PDA device. Archived broadcasts of previous meetings may also be accessed and watched on-line.

The Council may take action on any matter noticed herein, and their consideration and action on the matters noticed herein is not limited by the recommendations indicated in the Agenda or staff report(s). The Council may consider and act on items listed on the agenda in any order and thus all those interested in an item listed on the agenda are advised to be present throughout the meeting (see Policy and Procedure A-13). The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.

By policy, no new items of business will be started after 10:00 p.m., unless an exception is made by vote of the Council.

ADDRESSING THE COUNCIL

Interested persons are entitled to speak on any action item listed on the agenda and are requested to fill out the blue cards available at the rear of the Council Chambers and deposit them with the clerk or at the podium as soon as completed. This will assure that your name and city of residence are accurately recorded in the minutes and that your interest in speaking is recognized. If you wish to speak and are not recognized by the Mayor, please approach the podium prior to completion of discussion on the item. Speakers are allowed up to three minutes each, and if a large group wishes to express its views, it is more effective to have one spokesperson.

Items on the "Consent Calendar" are not discussed individually but are approved as a group with one motion. If a citizen wishes to speak on an item on the Consent Calendar, he or she may come to the podium at the time announced by the Mayor and request that the item be pulled for discussion by the Council.

Anyone wishing to address the Council on a nonagenda item may do so during the "Oral Communications" part of the agenda. Speakers are allowed to speak one time on any number of topics for up to three minutes.

Reducing Time For Public Input: For any single agenda item and for Oral Communications from the Public, if there appears to be 15 or more speakers and the Council might not be able to conclude the scheduled agenda items for the meeting if speakers were allotted three (3) minutes each, the Mayor may reduce speaking time to no less than two (2) minutes per speaker unless there is an objection from Council, in which case majority vote shall decide the issue without debate.