



Lucas Ramirez, Mayor
Alison Hicks, Vice Mayor
Margaret Abe-Koga, Councilmember
Ellen Kamei, Councilmember
Sally Lieber, Councilmember
Lisa Matichak, Councilmember
Pat Showalter, Councilmember

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

Video Conference with No Physical Meeting Location

6:00 PM

Tuesday, September 13, 2022

REGULAR CITY COUNCIL MEETING

During this declared state of emergency, the meeting will be conducted in accordance with California Government Code §54953(e) as authorized by resolution of the City Council. Please contact city.clerk@mountainview.gov to obtain a copy of the applicable resolution. All members of the City Council will participate in the meeting by video conference, with no physical meeting location.

Members of the public wishing to observe the live meeting may do so at <https://mountainview.legistar.com>, on YouTube at [YouTube.com/MountainViewGov](https://www.youtube.com/MountainViewGov) and on Comcast Channel 26.

Members of the public wishing to comment on an item may do so in the following ways:

1. 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.

2. Provide oral public comments during the meeting by joining 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.

6:00 P.M.-CLOSED SESSION

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: Ching Li Hsieh v. City of Mountain View, 820-860 Villa Street, LLC, Frederic Chen, Mark Chen, Don Baker, Douglas T. Watson, Santa Clara County Superior Court, Case No. 20CV365876
- 2.2 Conference with Legal Counsel-Liability Claims (Government Code §54956.9(d)(2),(e)(3)); Claimant: Chandra Arnold against the City of Mountain View

6:30 P.M.-REGULAR SESSION

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. PRESENTATION

This is a presentation only. The City Council will not take any action.

3.1 National Hispanic Heritage Month Proclamation

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 Approve Minutes

Recommendation(s): Approve City Council meeting minutes of June 26, 2018.

Attachment(s): [06-26-18 Council Minutes](#)

4.2 Mobile Home Rent Stabilization Ordinance-Amendment Related to Accord or Memorandum of Understanding Exemption (Second Reading)

Recommendation(s): Adopt an Ordinance of the City of Mountain View Amending the Mobile Home Rent Stabilization Ordinance (Chapter 46 of the Mountain View City Code) to Remove the Exemption for Mobile Home Spaces and Mobile Homes in a Mobile Home Park that Are Subject to an Approved Accord, to be read in title only, further reading waived (Attachment 1 to the Council report). (First reading: 5-2; Abe-Koga and Matichak no)

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

[ATT 1 - Ordinance](#)

[ATT 2 - Council Report, June 28, 2022](#)

4.3 Adopt Ordinances to Add Article III, Responsible Construction, and Article IV, Wage Theft, to Chapter 42 of the Mountain View City Code (Second Reading)

Recommendation(s): 1. Adopt an Ordinance of the City of Mountain View Adding Article III, Responsible Construction, to Chapter 42 of the Mountain View City Code, to be read in title only, further reading waived (Attachment 1 to the Council report). (First reading: 7-0)

2. Adopt an Ordinance of the City of Mountain View Adding Article IV, Wage Theft, to Chapter 42 of the Mountain View City Code, to be read in title only, further reading waived (Attachment 2 to the Council report). (First reading: 7-0)

Attachment(s): [Council Report](#)
[ATT 1 - Responsible Construction Ordinance](#)
[ATT 2 - Wage Theft Ordinance](#)

4.4 AB 361 Resolution to Continue Remote Public Meetings During State of Emergency

Recommendation(s): Adopt a Resolution of the City Council of the City of Mountain View Authorizing and Continuing Virtual Meetings of City Council, Committees, Boards, and Commissions Pursuant to AB 361 and Making Required Findings, to be read in title only, further reading waived (Attachment 1 to the Council report).

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

4.5 Middlefield and Moffett Sewer Replacement, Project 22-42-Authorize Professional Design Services Agreement

Recommendation(s): Authorize the City Manager or designee to execute a professional design services agreement with BKF Engineers to provide engineering services for Middlefield and Moffett Sewer Replacement, Project No. 22-42, in a not-to-exceed amount of \$627,000.

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

4.6 Addendum No. 11 to Regional Water Quality Control Plant Basic Agreement

Recommendation(s): Authorize the City Manager or designee to execute Addendum No. 11 to the Basic Agreement Between the City of Palo Alto, the City of Mountain View, and the City of Los Altos for the Acquisition, Construction, and Maintenance of a Joint Sewer System to approve the following at the Regional Water Quality Control Plant in Palo Alto: (1) increase the maximum amount of financing for the Primary Sedimentation Tank Rehabilitation Project from \$17 million to \$19.4 million; and (2) construct and implement the Secondary Treatment Upgrades Project with a maximum financing authorization of \$169 million.

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

4.7 Amend Professional Services Agreement with Tanner Pacific, Inc., for Construction Engineering Services

Recommendation(s): Authorize the City Manager or designee to amend the existing professional services agreement with Tanner Pacific, Inc., for an additional \$300,000 to provide construction engineering services in a not-to-exceed amount of \$400,000.

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

4.8 333 North Rengstorff Avenue, 2044 and 2054 Montecito Avenue, 344 Bryant Avenue, and 950 West El Camino Real-Accept Public Improvements

Recommendation(s): 1. Accept the public improvements for the development at 333 North Rengstorff Avenue for maintenance throughout their useful life.

2. Accept the public improvements for the development at 2044 and 2054 Montecito Avenue for maintenance throughout their useful life.
3. Accept the public improvements for the development at 344 Bryant Avenue for maintenance throughout their useful life.
4. Accept the public improvements for the development at 950 West El Camino Real for maintenance throughout their useful life.

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

4.9 Approval of Council Advisory Body Work Plans

Recommendation(s): Approve the Council advisory body work plans for Fiscal Year 2022-23.

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

[ATT 1 - Recommended FY 2022-23 Work Plans](#)

[ATT 2 - City Council Policy A-23](#)

[ATT 3 - Update on First Year of Public Safety Advisory Board](#)

4.10 Approve the Acquisition of Real Property at 909 San Rafael Avenue (APN: 153-18-012) and 917 San Rafael Avenue (APN: 153-18-027)

- Recommendation(s):**
1. Approve the acquisition of property located at 909 San Rafael Avenue (APN: 153-18-012) owned by ECI Four San Rafael LLC.
 2. Approve the acquisition of property located at 917 San Rafael Avenue (APN: 153-18-027) owned by Mary M. Mountz as Successor Trustee of the Marian P. Turner Family Trust 917 San Rafael Avenue, Mountain View, California.
 3. Approve a midyear Capital Improvement Program project, Acquisition of 909 and 917 San Rafael Avenue, and transfer and appropriate \$20.4 million from the Park Land Dedication Fund to the new project. (Five votes required)
 4. Authorize the City Manager or designee to execute all documents and take all necessary actions related to the acquisition of 909 San Rafael Avenue (APN: 153-18-012) and 917 San Rafael Avenue (APN: 153-18-027).

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

[ATT 1 - Park Land Fund Commitment](#)

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 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. PUBLIC HEARING

6.1 ~~Commercial Development Project at 365-405 San Antonio Road and 2585-2595 California Street~~

THIS WILL NOT BE HEARD ON SEPTEMBER 13, 2022. THE HEARING WAS POSTPONED AT THE REQUEST OF THE APPLICANT AND WILL BE RE-NOTICED FOR A FUTURE DATE.

6.2 Community Center Resiliency Hub Project-Variou s Actions

- Recommendation(s):**
1. Approve a midyear Capital Improvement Program project, Community Center Resiliency Hub, and transfer and appropriate \$749,242 from the Construction/Conveyance Tax Fund and appropriate \$614,115 in grants to the new project for a total of \$1,363,357. (Five votes required)
 2. Adopt a Resolution of the City Council of the City of Mountain View Awarding a Contract to Syserco Energy Solutions, Inc., for the Community Center Resiliency Hub Project for a Cost Not to Exceed \$1,213,357, Including a \$110,305 Contingency, to be read in title only, further reading waived (Attachment 1 to the Council report).
 3. Authorize the City Manager or designee to enter into a capital project grant agreement with Silicon Valley Clean Energy for up to \$636,365 for the Mountain View Community Center Resiliency Hub project.
 4. Authorize the City Manager or designee to apply for the California Public Utilities Commission's Self-Generation Incentive Program rebate funds from Pacific Gas and Electric in an amount up to \$105,000.

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

7. NEW BUSINESS

7.1 Alta Housing Notice of Funding Availability Proposal-1020 Terra Bella Avenue

Recommendation(s): The Notice of Funding Availability Review Committee recommends that the City Council:

1. Reserve \$13.5 million in Housing Impact funds for the Alta Housing Notice of Funding Availability application.

Staff recommends, from this \$13.5 million reservation, that the City Council:

1. Appropriate \$1.3 million in Housing Impact funds for predevelopment costs (\$1.0 million for Alta Housing and \$300,000 for City staff time and consultant services, including environmental review, parking studies, and other special studies for this project).

2. Authorize the City Manager or designee to negotiate and execute a predevelopment loan agreement with Alta Housing in an amount up to \$1.0 million for predevelopment activities.

3. Authorize the City Manager or designee to negotiate and execute consultant and professional services agreements for predevelopment activities and services in an aggregate amount not to exceed \$300,000.

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

[ATT 1 - NOFA Application](#)

[ATT 2 - Cost Comparisons](#)

[ATT 3 - Plan Set](#)

7.2 SB 330 Replacement Requirements

Recommendation(s): Approve a policy requiring that demolished “protected units” be replaced under Senate Bill 330 with deed-restricted units affordable to households earning 80% of area median income or below when the prior tenants of those protected units earned, or are presumed to have earned, more than 80% of AMI, and direct staff to incorporate this policy into administrative guidelines and procedures for development applications.

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 and staff reports may be viewed 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 prior to Tuesday City Council meetings. Agenda materials may also be viewed online at mountainview.legistar.com.

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 during normal business hours and at the Council Chambers at City Hall, 2nd Floor, during the meeting.

City Council meetings are broadcast live on Comcast Channel 26 and replayed on Thursday at 6:30 p.m., Saturday at 10:00 a.m., and Sunday at 5:00 p.m. In addition, Council meetings are webcast live and archived at mountainview.legistar.com.

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.

ADDRESSING THE COUNCIL:

Anyone wishing to address the Council is requested to fill out a blue speaker card and deposit it with the City Clerk to ensure that your name is accurately recorded in the minutes.

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.

Pursuant to City Council Code of Conduct Chapter 6, no person who addresses the Council shall make any belligerent, personal, slanderous, threatening or abusive remark, statement, or commentary toward the Council, staff or other individuals in a manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting, nor shall any person engage in any disorderly conduct which disrupts or impedes the orderly conduct of the meeting. Any violation of this rule shall be grounds for terminating the speaker's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, shall be grounds for removal from 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.

To request Russian, Spanish or Chinese interpretation, 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.

Чтобы запросить устный перевод на русский язык, обратитесь в офис городского секретаря до 17:00. не менее чем за два рабочих дня до дня запланированного заседания Совета по телефону (650) 903-6399 или по электронной почте city.clerk@mountainview.gov.

Para solicitar interpretación en español, comuníquese con la oficina del Secretario Municipal antes de las 5 p.m. al menos dos días hábiles antes del día de la reunión programada del Consejo por teléfono (650) 903-6399 o por correo electrónico a city.clerk@mountainview.gov.

如需中文口译服务，请在下午 5 点前联系市书记官办公室。在预定的市议会会议召开前至少两个工作日通过电话 (650) 903-6399 或发送电子邮件至 city.clerk@mountainview.gov。