

Council Questions
June 24, 2025 – City Council Meeting

ITEM 4.2 Centralized Purchasing System Ordinance (Second Reading)

1. Should the limit at least be listed for the Cal Public Contract Code, like a Base line?

The current California Public Contract Code limit of \$220,000 for alternate bidding procedures is provided in Exhibit A to Council Policy A-10 as approved by the City Council on May 27, 2025. Listing the dollar amount in the City Code would require the City to adopt an ordinance amendment every time the State revises the limit in the Public Contract Code. Council Policy A-10 Exhibit A will be updated automatically whenever the State revises the dollar limit.

2. 2.204 A- Is there any oversight for a “purchasing agent “that has the authority to “dispose of all property, real or personal?

The Finance and Administrative Services Director supervises the Purchasing Agent and provides oversight and approval of disposal of any real or personal property. All surpluses property is sold via online auction.

Sections 2.208 and 2.207 of the Ordinance include the procedure for sale of property.

Guidance is also provided by Council Policy A-10 Authority to Execute City Contracts as well as Administrative Instruction 2-10 Purchasing Policy.

3. Under 2.204-F – what is considered “stated period of time”?

It would be the agreed-upon time determined after FASD confers with the City Attorney and City Manager. There have not been any bidders disqualified for bidding in at least the past seven years.

4. 2.204 I- who would the Purchasing agent delegate authority too? Seems like some kind of abuse could take place.

The Purchasing Agent can delegate authority to Departments to provide quotes to Purchasing below the \$10,000 limit and then submit to Purchasing for review. Purchasing staff then issues the Purchase Order (PO) after completing due diligence, as issuance of POs are centralized in Purchasing.

ITEM 4.3 Annual Appropriations Limit for Fiscal Year 2025-26

5. What items are considered in the Appropriation limits?

The Appropriation limit is the legal authorization of how much the City can spend for a specific purpose. In general, these are the expenditures funded by tax revenues that are subject to the limit. For the Fiscal Year 2025-26, the City’s appropriation limit calculation includes General Fund, Parking District, Conveyance Tax, and Construction Tax expenditures that are supported by tax revenues.

ITEM 4.4 Grant Road and Sleeper Avenue Intersection Improvements, Design and Construction (Phase II), Project 21-39-Various Actions

****Public Works Director Jennifer Ng is conflicted out of this item.**

6. What is the estimated cost of Phase III? What is the estimated cost per intersection included within Phase III?

The estimated cost of Phase III is \$2 million for the three remaining intersections, which includes the cost of construction, project management, design and inspection. This amounts to an average cost of \$660,000 for each of the three intersections to be included within Phase III.

For general information, Phase I of this project, which includes the Grant Road and Sleeper Avenue intersection, was awarded to a contractor in March 2025. It will take approximately eight months after contract award for the contractor to receive materials that require a long lead time to manufacture, such as steel traffic signal poles. Phase I construction activities are expected to begin in fall 2025.

7. What are the accident statistics for the Grant/Sleeper intersection? Is there a way to document near misses?

For the last five years of crash data (2020 to 2024) there were no crashes near the intersection of Grant/Sleeper. Between 2015 to 2019 there were four crashes, and all involved at least one motorist. Two of those four crashes involved a bicyclist, and zero involved a pedestrian. All these crashes resulted in an injury, though none resulted in serious or fatal injury.

Public Works has tracked near-miss crashes from 2021 to current day. When an AskMV is filed with the city that a near-miss incident took place, it is entered into a database and used for planning and prevention purposes either during a planning or project development process. There were no near-miss reports made for this intersection during the period that staff began tracking.

8. What are the costs for each of the 9 projects listed?

The project was split into 3 phases to implement 9 intersections. Due to this, the estimated costs for the 3 phases are:

- Phase I Cost: \$2,258,000
- Phase II Estimated Cost: \$2,056,000
- Phase III Estimated Cost (not yet funded): \$2,000,000

Total Estimated Cost for all phases: \$6,314,000

The cost per intersection averages to \$701,567.

9. Why are all the projects listed as Grant/Sleeper?

Once the Grant Road and Sleeper Avenue intersection feasibility study was approved by Council and design for the improvements were anticipated, staff bundled additional intersections with similar in nature active transportation improvements to maximize the efficiency of design and project management of the other needed improvements. The name of the project was not changed at that time, but the name is being changed to “Grant/Sleeper and Other Pedestrian Crossing Improvements” should Council approve Item 4.7 at tonight’s Council meeting.

10. What is the cost of Project 21-39?

Total Estimated Cost for all Phases (Phase III not yet funded for construction): \$6,314,000

ITEM 4.5 Special Event Permit, Sound Amplification Permit, and Street Closure for 10th Annual Oktoberfest

11. How was the 5% for fee determine?

Council Policy K-14, Special Event Policy, was last revised May 13, 2014. The policy states sponsors will be charged fees for services based on actual costs plus an administration fee, as set by Council. In 2014, the administration fee was set at 5% and has not changed.

12. Does a sound amplification permit require a Council vote each time?

No, the sound amplification permit is administratively approved with the special event so long as there are not significant changes to the event proposal/layout.

ITEM 4.6 Annual Homeless Response Contracts

13. When did the City last extend the Declaration and Proclamation of a Local Emergency for the Homeless Shelter Crisis? When is the local emergency declaration scheduled to sunset?

The City last extended the Declaration of a Shelter Crisis at the June 25, 2024 Council meeting. The declaration sunsets June 30, 2026.

14. Can staff provide an update regarding the Affirmed Housing affordable housing project? The report indicates that the Evelyn Lot (former VTA parking lot) safe parking site closes on June 30, 2026. Is the Affirmed Housing project on schedule to begin construction by that point?

The Housing team is working closely with the Affirmed Housing team to ensure the project continues to move forward through key review and funding milestones. The SB 35 application for entitlements is currently under review by Planning, and the development team has submitted an application for Affordable Housing and Sustainable Communities (AHSC) funding. Award announcements are expected in December 2025.

If awarded, Affirmed Housing plans to immediately begin the process of closing on construction financing, completing building permit review, and preparing for construction. Based on the current timeline, the project remains on track to begin construction following the June 30, 2026, closure of the Evelyn Lot Safe Parking Program.

15. Can staff provide an update regarding the Alta Housing project on the former safe parking site on Terra Bella? When is that project scheduled to begin construction?

The safe parking program on the site closed in December 2024. Since then, Alta Housing submitted an application for State funding in April 2025. However, due to limited funds and high demand, the programs are extremely competitive making it challenging to secure financing for affordable housing. and is preparing to submit another State funding application in the fall. If awarded, Alta will coordinate with Public Storage to begin the demolition process of existing storage buildings in January 2026 and anticipate beginning construction in Q3 of 2026. Typically, the State funding programs have deadlines by when projects must begin construction. Alta Housing has shared that several pre-construction activities on the site are in progress to ensure the deadlines can be met. Housing staff continue to coordinate with Alta Housing as they pursue project financing. The City remains thankful for the multiple prior extensions of the lot use provided by Alta Housing.

16. Is that the maximum amount that can be taken from the Shoreline Community Fund for the Safe Parking lot in the North Bayshore?

The City's Safe Parking Program currently covers both the Evelyn Lot and Shoreline Lot B. However, only the parking spaces in Shoreline Lot B can be funded by the Shoreline Fund, as it is located within the Shoreline Regional area. Based on the available spaces and assuming each space shares the same cost, we allocate 47.4% of the Safe Parking Program's \$700,000 budget to the Shoreline Fund, which amounts to \$332,000.

17. Why are we extending Grant agreements for 2 years?

The City is extending the term of the grant agreement to CSA by an additional two years to provide CSA additional time to expend the grant funds on their capital improvement projects.

18. Why do we lease the parking lot to the county, then they hire a lot manager?

The County does not operate this lot, or any safe parking lots, itself. They hire a qualified contractor to provide onsite services. Since 2019, the City has leased its safe parking lots to the County for program operations because it allows for 24/7 operations through state legislation that expressly exempts Santa Clara County from obligations associated with mobile home law and the County provides an economy of scale of program services beyond what the City could provide.

19. Does this add more costs of administration?

No, this does not add more costs of administration. The County has the capacity and staff resources to professionally operate and manage the program with their overall annual operating cost of \$1,800,000 for all Mountain View safe parking sites, while the contributes \$700,000.

20. Why extend the lease with Live Nation, why are they involved?

Shoreline Lot B is owned by the City but leased to Live Nation for concert parking. It's necessary to extend the lease agreement with Live Nation to allow for safe parking use at Shoreline Lot B.

21. Who gets the \$825,000?

The County of Santa Clara Office of Supportive Housing receives \$825,000, of which \$700,000 is for safe parking program operations and the remaining \$125,000 is funding for a case worker for the permanent supportive housing program for the homeless.

22. What is the total cost of contracts we have with CSA?

The total cost of the Human Services Division and Housing Department FY 2024-25 contracts with CSA is \$1,355,113.

23. How long can some park in LOT B?

There is no limit to how long someone can remain in the Shoreline Lot B safe parking program, just as long as they are making progress toward getting on the pathway to stable housing.

24. What is the total cost of operating LOT B?

The City's Safe Parking Program currently covers both the Evelyn Lot and Shoreline Lot B. Based on the available spaces and assuming each space shares the same cost, the cost for operating Lot B is 47.4% of the Safe Parking Program's \$700,000 budget. This amounts to \$332,000 which is funded by the Shoreline Regional Park Community Fund. In addition to the \$332,000 from the SRPC, the County's operating cost for all safe parking in Mountain View is approximately \$1,700,000. The site-specific cost breakdown for Shoreline Lot B is approximately \$835,000.

25. What does "County procurement limitations" have to do with Safe parking?

This reference relates not to safe parking, but to the funding agreement with CSA for case management, focused outreach and assessments, and providing a portable restroom for service delivery needs. The County's procurement process no longer provides for contracting with CSA for these services.

26. Fiscal impact – is there a flow chart that show was the money is going, too whom and for what?

Summarized below is the program funding information.

FY 2025-26 Ongoing Homeless Programs		
Partner	Program	Amount
County of Santa Clara	Safe Parking	\$700,000
County of Santa Clara	Permanent Supportive Housing Program	\$125,000
CSA	Case Management	\$120,000
CSA	Outreach	\$42,000
CSA	Facilitation of Portable Restroom	\$15,000

27. What is the success rate of transition from Safe Parking to permanent supportive housing?

The County sets program benchmarks. The County’s current benchmark for a program like Safe Parking is a 50% exit into a temporary or permanent housing destination.

28. How is one confirmed to be a Mountain View resident?

This information is confirmed by the safe parking program operator through self-reported responses to questions at the client’s first assessment including location of workplace, school, city spent most time in, city lived in prior to becoming homeless, and ZIP code of last known address.

29. How many permanent units been acquired for supportive housing?

The City’s funding of the County permanent supportive housing program provides a permanent support housing unit for up to 20 Mountain View households.

In addition, the housing developments in the City of Mountain View with permanent supportive housing units are listed below:

Development Name	Rapid Rehousing (RRH)	Permanent Supportive Housing (PSH)
San Antonio Place	0	10
Eagle Park	0	41
Heartwood	0	27
La Avenida	0	32
TOTAL	0	110

ITEM 4.7 Recommended Fiscal Year 2025-26 through Fiscal Year 2029-30 Capital Improvement Program

30. What's the status of the rebuild of the Lakeside Café?

The Lakeside Cafe project (Shoreline Boathouse and Bistro Expansion, Project 20-39) is in the final design phase and staff intends to bring the project to Council in September 2025 for consideration of approval of plans and specifications and authorization to advertise for monetary bids. Should bids be received within the project budget, construction is anticipated to commence in December and take approximately 12 to 14 months to complete.

31. McKelvey, what is the current estimate cost of CIP 14-54?

The total project cost for the McKelvey Park ball fields project was \$30M and part of a larger flood control project by the Santa Clara Valley Water district. Staff is still evaluating the estimated costs for design and construction of the retrofit bleacher work, which will depend on the extent of retrofits required, including exploring several alternatives for new bleachers.

32. How was the \$250,000 determined?

Valley Water performed some initial preliminary evaluations of retrofit work needed to address the bleachers, with estimated costs. The \$250,000 amount represents 50% of these estimated costs.

ITEM 4.9 2024-25 North Bayshore Trip Cap Monitoring Reports

33. The spring bike count is done in February when the hours of daylight are fairly short. Do we know how much bike traffic picks up in the summer? What would be required to find out?

In 2025, the City began collecting off-street (trail) bicycle and pedestrian data for two-week periods in both the spring and fall. As such, 24/7 data for the spring monitoring period will be available for travel patterns on trails for this summer. The City's Sustainability Action Plan includes Task 2.16: Implement a Citywide Pilot Bicycle Facilities and Monitoring Program. As part of this effort, Transportation staff—in collaboration with Community Services, Land Development Engineering, and the City Attorney's Office—have been working with a local Mountain View-based tech startup, i8labs, to pilot bicycle monitoring hardware and software on the City's trail system at no cost to the City. This information will help staff understand trail use and patterns. The data can be used to assess trail ridership levels, determine weather effects and seasonal patterns, and support future efforts to enhance safety and obtain grants. The system is monitoring bicycle and pedestrian counts along the Stevens Creek Trail, Permanente Creek Trail, Hetch Hetchy Trail, and Bay Trail.

Currently the monitoring contract only covers spring and fall periods. The intent is to cover the normal conditions of biking. Summer travel conditions are generally atypical with holidays, events, and recreational activities taking place. Staff would recommend additional bike counts be conducted if gateway trip counts were exceeded.

34. Why reduce the target level of SOV from 45 to 35?

Staff is not recommending a target level decrease. In December 2018, Council approved the recommendations of the North Bayshore Circulation Study that focused on gateway trip compliance with completion of the North Bayshore Precise Plan (NBPP). The recommendations included a combination of new transportation infrastructure (Priority Transportation Improvements), a 35% to 40% SOV target for existing and future non-residential development travel, and a modified North Bayshore Trip Cap Policy definition to reflect new growth as it occurs.

35. What are the penalties for not achieving the goals?

According to the North Bayshore Precise Plan, if monitoring shows that the trip cap is reached at any of the three gateway locations after two consecutive data reporting periods, the City will not grant any new building permits for net new square footage in the Precise Plan area until the number of peak hour vehicle trips is reduced below the trip cap. Alternatively, an application for new development may propose strategies such as improvements to the transportation network and additional Transportation Demand Management measures, which adequately demonstrate compliance with the district vehicle trip cap.

36. How is enforcement working?

The City has found performance of the vehicle trip cap for the gateways to be in compliance with the NBPP policy since monitoring activities began in the Spring and Fall of 2017. The gateway limit at Shoreline Blvd was met in spring 2019 pre-pandemic; however, traffic volumes remain approximately 20% below their pre-Covid-19 baseline due to hybrid work. Therefore, enforcement actions have not been taken as a result of the gateways complying with the trip cap policy.

37. With bike usage at only 3% of total usage, why do we spend a disproportional level of funds on projects for bikes?

The City has several policies that speak to its sustainability and active transportation goals. In 2014, Council adopted the North Bayshore Precise Plan (NBPP) that included as one of its guiding principles to promote bike and pedestrian transportation as an alternative to vehicular travel, as new development occurs. To that end, the NBPP identified key transportation policies, projects, and metrics that include developing a complete bicycle network that connects homes and businesses to transit and services, enabling pedestrians and bicyclists to travel comfortably throughout North Bayshore. It is anticipated that with a well-built out pedestrian and bicycle infrastructure, mode shift will occur naturally over time.

ITEM 4.11 San Antonio Area Sewer Main Improvements-Phase II, Project 19-45-Construction Acceptance

38. Why was a contractor hired to work on permit coordination?

The contractor was responsible for securing construction/encroachment permits from the City of Palo Alto, City of Los Altos, and County of Santa Clara. Permit coordination is part of engineering support provided by the design consultant, West Yost, for technical assistance and coordination to facilitate permit approval.

ITEM 4.13 Shoreline Play Structure Replacement, Project 20-55-Various Actions

39. How much did the permit from the SCC enforcement agency cost?

Following preliminary review, the Santa Clara County Local Enforcement Agency (LEA) determined that a full review or permit is not required, and therefore no associated fee is necessary as this is considered a maintenance/replacement project.

ITEM 4.14 Rengstorff Avenue Complete Streets Study-Professional Services Agreement

40. How does this fit in with the Railroad undercrossing project? Is there a plan to move forward with as many of the improvements as possible? Will a contingency plan be developed for the zone with the RR crossing in case we aren't able to get the funding for a long time?

The Rengstorff Avenue Complete Streets Study will incorporate concepts developed from the Rengstorff Grade Separation Project if the Complete Streets Study project implementation proceeds first. The study will develop multiple concept plans, and the team may consider some of the railroad crossing improvements as a potential option if funding for the grade separation is delayed.

ITEM 4.15 East Whisman Area Transportation-Oriented Development Improvements (Phase II: Ellis Street Improvements), Project 16-48-Professional Services Agreement

****Public Works Director Jennifer Ng is conflicted out of this item.**

41. Did BPAC look at this?

Staff did not have the Bicycle/Pedestrian Advisory Committee review the circulation change to the northbound bicycle lane due to the smaller scale of the revision and there being limited options for an alternative movement. The revision was developed in coordination with multiple staff from both Transportation Planning and Traffic Engineering, utilizing a current industry accepted design solution for safe bicyclist circulation routing within an intersection (i.e. American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities).

42. Is the number of bike riders a consideration in determining how CIP are selected?

When evaluating projects for CIP funding recommendation, staff utilizes AccessMV and the Bicycle Transportation Plan data alongside other metrics, including the number of bike riders. This information is collected during the planning process and considered when evaluating and recommending projects. These approved plans, along with analyses of existing infrastructure conditions, serve as factors informing capital project funding recommendations.

43. How many use the light Rail station at Bayshore/NASA?

According to VTA's published data, 2024 ridership data at the Bayshore NASA Station averaged 22 boardings per weekday. This corridor also serves as a connection to/from Sunnyvale's existing office development areas at Enterprise Way, Moffett Park Drive, and Mathilda Avenue.

44. Has CPUC issued a permit yet?

No.

45. How does staff determine “the fee to be fair and reasonable”?

Consultant design fees are determined by hourly rates and the number of hours of consultant staff time needed for the scope identified. As part of a proposal for initial contract work or additional services, consultants submit, and staff review the number of hours proposed by task and by position. Staff regularly negotiates the number of hours by task and by position to determine the fee to be “fair and reasonable.”

ITEM 4.18 Authorization for Administrative Actions for Public Works Projects through August 31, 2025

46. What would happen if the bid were higher than the \$955k for project 25-33?

Staff received one proposal before the Council agenda was published. The proposed services fee being evaluated is under \$955,000.

47. Why does LinkedIn need to wait until an agreement is signed for East Whisman recycle water expansion to install necessary recycle water improvements?

Based on the 2022 Recycled Water Feasibility Study and Council direction provided on March 22, 2022, the North Bayshore area has been prioritized as the first phase of City’s recycled water expansion due to its immediate demand, proximity to existing infrastructure, and higher cost-effectiveness. The East Whisman expansion is identified as a long-term future phase that will proceed after the North Bayshore build-out is completed.

Since the City’s recycled water system has not yet been expanded to the East Whisman area, an interagency agreement with Sunnyvale must be in place before the City can approve the installation of the recycled water improvements proposed by LinkedIn. The agreement establishes services terms, regulatory compliance, and infrastructure ownership, which all prerequisites before installation may begin.

48. When is the recycled water going to make to East Whisman?

Please see the response to question 47.

ITEM 4.19 Shoreline Boulevard Interim Bus Lane and Utility Improvements, Projects 16-58 and 18-43-Various Actions

49. In this packet, there are a lot of items related to water and sewer main improvements which is great. Keeping our water systems in good shape is a crucial City function. Reading these separate items, it's difficult to get the whole picture of what is happening. Please prepare a map and memo that puts it all in one place, so Council can understand the totality of the work. Improvements to the recycled water system should be included as well. This is not needed before approving these items but would be helpful sometime over the summer.

Staff will prepare a summary memo with a map identifying the City utility improvements throughout the City. The memo will be provided to Council after the recess/early fall.

50. What is the status of the Bus Lane, is it still needed?

On June 25, 2024, Council approved deferring the bus lane elements of the project scope for several reasons, including lower traffic volumes from pre-2020, reduced Caltrain and MVGo ridership, reduced corporate shuttles, and delayed office development and reduced employee population in the North Bayshore. As a result, Council supported following a three-phased approach to the project:

1. Complete the bicycle, pedestrian, and utility improvement elements of the project.
2. Perform a feasibility study of interim pedestrian or bicycle improvements through the U.S. 101 interchange. (This will begin once the construction of the first phase starts.)
3. Construct the median bus lane improvements when conditions in North Bayshore support an effective and well-used median bus lane. The timing of this phase has not been determined and would be brought to Council once staff identifies that the various conditions would support a bus lane.

51. What happens if the Bus Lane is cancelled?

The corridor will still operate with the improvements implemented with the first phase, including the protected bike lanes, protected intersections, sidewalks, and traffic signal modifications. The use of the median will be determined as part of Phase 2.

52. How much could the City save if due to “significantly challenging for City Staff to oversee due to other heavy workloads during normal business hours and a short fall of City staffing resources”, was to do the construction management? Would that be \$2,703,000?

There was insufficient time for staff to determine the costs and resource reallocation if the construction management for this project was to be performed by City staff. Practically speaking, performing this work at night would remove one full-time inspector and a portion of a construction engineer from daytime work. Currently, there are not enough City staff resources to provide construction management for all the current and planned construction projects. If City staff were to manage the construction for this project, City staff would need to be removed from other capital projects, and consultants would need to backfill for those other capital projects.

ITEM 4.20 Approve a New Education Enhancement Reserve Joint Powers Agreement

53. Under 4.3.3 why would the City suspend payments and not cancel them?

This section pertains to the filing of a legal challenge. In the absence of knowing a court ordered outcome the payments are suspended pending final court resolution.

ITEM 6.1 Adoption of Fiscal Year 2025-26 Budgets, Funding for Fiscal Year 2025-26 Capital Improvement Projects, and Fiscal Years 2025-27 Council Work Plan

54. What is an "overhire"?

An overhire position is a position in excess of the number approved by City Council in the annual budget. Overhires may be recommended as a succession planning strategy to proactively maintain staffing levels in regularly budgeted positions. When a position critical to the City's operations is anticipated to become vacant, often due to a potential retirement, an overhire is a solution to ensure continuity of work, allow a successor to benefit from a training period prior to the departure of the current employee and ultimately minimize disruption to operations and/or services. This approach allows for the transfer of institutional knowledge and supports a seamless transition in City services. In addition, an overhire position is approved for this narrow purpose therefore, when attrition occurs from the regularly budgeted position, the employee in the overhire moves into the regular position. The overhire is not intended as an ongoing, long-term increase in the number of FTEs.

More information can be found in Council Policy D-10: City Manager Approval of Overhire Positions. This policy outlines the authority of the City Manager to approve overhires for succession planning needs, however in the case that the overhire does not meet all criteria of the policy, City Council approval is required.

55. What sorts of things are covered by "Self-Insurance/Transfers"?

Self-Insurance includes the annual funding for the Liability Insurance Fund, which accounts for the City's general liability self-insurance and property insurance programs, and the Retiree's Health Insurance Fund, which accounts for the City's health plan contributions for retirees of the City and funds set aside for future retirees' benefits.

Interfund transfers for FY25-26 include the transfers for the Public Safety Building Reserve (\$6.7 million), transfer of 80% of the increased Business License Tax revenue to the Transportation Reserve (\$4.1 million), transfer of 10% of the increased Business License Tax to the Housing Fund (\$517,000), transfer of at-risk land lease revenue to the CIP reserve (\$1.9 million), and other miscellaneous small transfers.

The "at-risk" land lease revenue is a 10% set aside from the revenue generated by the three City-owned land leases between the City and Google. The revenue is considered at-risk due to the decennial valuation adjustment scheduled for April 2026, where a reduction in assessed value could result in reduced lease revenue to the City.

56. Why haven't we taken our business license tax annual adjustments in the past?

Measure P passed in 2018 and included a three-year phase-in period for the new tax structure, starting in 2020 and finishing in 2023. During the three-year phase in period, the rate wasn't increased in order to give businesses a chance to acclimate to the new rates. It should also be noted that a rate increase wasn't allowed to be effective until January 1, 2021, according to Section 18.17 of the Business License Tax Ordinance.

In addition, this was during the COVID-19 pandemic, so the City held off on any increases due to the many challenges that local businesses were already facing.

As the pandemic is over, staff is bringing forward a recommendation for an increase, with the intention of increases each year going forward, as allowed by Section 18.17 of the Business License Tax Ordinance.

57. How many staff work in Housing, Multicultural and Economic development departments?

The areas listed above are different departments. Below are the budgeted Full-Time Equivalent (FTE) positions for each of the three areas.

Please note that these reflect budgeted FTEs only and do not include any temporary or seasonal staff that may be hired throughout the year.

- The Housing Department has a total of 17 FTES
- The Economic Development Division, which is part of the Community Development Department, has 3 FTEs.
- Multicultural Engagement Program is part of the Communications and Outreach Division within the City Manager's Office, which has a total of 2 FTEs.

ITEM 6.2 Modification of 777 West Middlefield Road Below-Market-Rate Housing Requirements

58. Were the 777 "BMR" units included in the Housing Element Annual Progress Report (APR)? Were they recorded as low-income and/or moderate-income units?

Yes, the 777 West Middlefield Road project units were included in the City's current Housing Element Regional Housing Needs Allocation (RHNA) cycle and were reported in the 2022 Annual Progress Report (APR) under the "Projection" period. At that time, the units were classified based on the proposed income levels of the project.

The project reached completion in June 2025. As a result, the units will be reported as completed in the 2025 APR, which will be submitted next year.

59. If the 777 “BMR” units were included in the Housing Element APR, will we have to submit an update to the APR?

If the Council approves the proposed modification to the income levels at the upcoming meeting, City staff may need to consult with the California Department of Housing and Community Development (HCD) regarding how to accurately report this change in the next APR. This consultation will help ensure that the APR remains consistent with state reporting requirements and reflects the most current information. The consultation would include asking HCD how to treat the units if they were to waterfall to the general public, which would be at the Moderate-income 120% AMI level rather than the Above Moderate-Income 150% AMI level.

60. What would increasing the AMI to 150% mean for our RHNA progress?

The City’s RHNA moderate-income and above moderate-income allocations for 2023–2031 includes:

- **Moderate-Income units:** 1,885
- **Above Moderate-Income units:** 4,880

Originally, the project at 777 West Middlefield was projected to contribute 106 units toward the Moderate-Income goal, approximately 5.6% of the Moderate-Income RHNA target. With the proposed modification in area median income (AMI) to 150%, those 106 units would instead contribute to the Above Moderate-Income goal. The caveat is that waterfall units would be at the Moderate-Income 120% AMI level, as noted above. However, staff will require further guidance from HCD on how to report the income levels of these units.

61. Can staff explain how the State Teacher Housing Act (HSC Section 53571) provides “defenses against potential fair housing, disparate impact claims?”

Health and Safety Code Section 53571 gives school districts the right to prioritize teachers, school district employees, and educational nonprofit employees in school district funded housing. This reflects a State interest in promoting teacher housing, which can help provide defenses against potential disparate impact claims, because a facially neutral policy that results in a disparate impact may still comply with fair housing laws if the policy advances a legitimate business or policy interest, and there is not a less-discriminatory way to achieve the desired result. The Teacher Housing Act makes it official state policy to prioritize teacher housing, which would strengthen the argument that the project’s preferences are in line with legitimate State interests and policies.

62. Would applying different terms for “waterfall” units violate fair housing law, including federal fair housing law? If not, why not?

The primary area of federal (and State) fair housing law that may be most applicable to the waterfall units is “disparate impact.” This would be a claim that the general public for the waterfall units is adversely impacted by having terms that are different from the teacher/staff housing units. In general, a plaintiff would have the burden of proof that there is a disparate impact, and the framework for evaluating whether there is a disparate impact includes three factors:

- Is a provision discriminatory?
- Is there a legitimate public purpose?
- Is there a less discriminatory alternative to achieve the public purpose?

In analyzing this issue with outside legal counsel, the State Teacher Housing Act establishes a legitimate public purpose for such projects and the purpose of the BMR alternative mitigation is to attract and retain teacher/staff. MVWSD has also provided information on operational needs to hire and retain teachers and staff, including affordable housing, which provides justification to support different terms for the waterfall units. Finally, having waterfall units in itself – rather than keeping the housing solely for teacher/staff – increases the potential housing supply for the general public and having a wider and more diverse range of residents that could live in the project, which would be viewed positively through a fair housing lens.

63. Are there fair housing implications if we allow some tenants over the income-limit to remain for 3 years in a deed-restricted unit, while in other cases tenants over the income-limit can only remain for 1 year in a deed-restricted unit?

Please see the response to question 62.

64. HSC Section 53571(a) states that the law is intended “...to facilitate the acquisition, construction, rehabilitation, and preservation of affordable rental housing for teachers, school district employees, and nonprofit organization employees...” How is “affordable rental housing” defined, and would increasing the AMI to 150% continue to meet that definition?

For purposes of qualifying for tax credits, the official state policy is to facilitate teacher housing up to 120% AMI. However, HSC Section 53573 of the Teacher Housing Act permits the district to pursue strategies for affordable teacher housing at undefined levels of affordability using public/private partnerships and “innovative financing opportunities.”

65. HSC Section 53572(a) seems to require that a qualifying affordable housing project must have “...a majority of its rents restricted to levels that are affordable to persons and families of low or moderate income....” Would the State Teacher Housing Act continue to apply in this case if the AMI is increased to 150%?

The defined term in HSC Section 53572(a), “affordable rental housing,” that refers to households earning up to 120% of AMI is used in HSC Section 53574, which makes the provision of teacher housing an official state policy for the purpose of applying such a preference to a tax credit project. HSC Section 53573 authorizes school districts to create a program to promote teacher housing affordability, but it does not use the defined term “affordable rental housing” from HSC Section 53572. Therefore, under HSC Section 53573, arguably a program addressing affordability in a broader sense is allowed.

66. HSC Section 53574 appears to require that qualifying projects be “on land owned by school districts.” Has MVWSD officially acquired the land on which 777 was built?

HSC Section 53574 makes the provision of teacher housing an official state policy for the purpose of applying such a preference to a tax credit project. HSC Section 53573 authorizes school districts to create a program to promote teacher housing affordability and contains no reference to “land owned by school districts”. Therefore, under HSC Section 53573, arguably a program addressing affordability in a broader sense is allowed.

67. HSC Section 53574 also appears to apply “so long as that housing does not violate any other applicable laws.” Would “other applicable laws” include fair housing laws? Are there other laws we should be mindful of?

“Other applicable laws” would primarily be related to fair housing laws and anti-discrimination laws, particularly related to disparate impact.

68. A resident sent this and asked whether these income groups are practical to work with in reality.

Changing from 120% AMI to 150% AMI would yield the following qualifying incomes, according to the staff report:

Table 2: Household Incomes at 120% and 150% AMI*

	Persons Per Household			
	1	2	3	4
120% AMI	\$164,000	\$187,400	\$210,850	\$234,250
150% AMI	\$205,000	\$234,250	\$263,562	\$292,812

For an income of \$205,000 the 30% of income going to rent would be \$5125.00/month

For an income of \$292,812 the 30% of income going to rent would be \$7320.30/month

It seems these numbers could be higher than the market rate. From the last RHC report, newly built units (since 2017) are renting at an average of \$4,388 per month.

The market rent by bedrooms right now is \$2,279 (studio) \$2,489 (1 BR) \$3,251 (2 BR) \$4,126 (3BR)

There is a distinction to be made between the AMI level to qualify a household versus the rent that will be charged. Table 2 is for the purposes of qualifying a household. However, MVWSD is currently charging BMR rents that are less than market rents (and less than 120% AMI rents).

69. Is MVWSD offering other school districts units at 120 AMI?

Under the current 120% AMI and one year grace period, those are the same terms that would be offered to the other school districts if the BMR units' waterfall to them. If Council approves 150% AMI and the three-year grace period, those updated terms would also be offered to the other school districts.

ITEM 7.1 Water Supply Reliability Contract Actions

70. The staff report says that "The Wholesale Customer representatives identified [policy principles to include recognizing] benefits of, and avoid disincentives for, water use efficiency and development of alternative water supply projects." How will they do this?

The policy principles are not explicitly linked to particular steps in the allocation plan but were used as general guidelines during its development. One way the plan supports this principle is that if an agency has other sources, it will use less of its Individual Supply Guarantee and receive a lower cutback in the Tier 2 drought allocation. Another way the plan supports water-use efficiency is by assigning lower Tier 2 drought allocation cutbacks to agencies that already have very low residential water use.

71. The staff report says we will have new "safeguards to prevent the City from being charged in future years for using too little water due to conservation and local supply development." What are those safeguards?

The amendment includes three key changes to the Minimum Purchase Requirements that help prevent future charges for unused water: (1) it resets the Minimum Purchase Quantities (MPQ) based on 80% of current non-drought usage and establishes a 10-year MPQ review process, (2) it provides for a 1-year MPQ step-up following droughts, and (3) it creates a collective waiver "family plan" if the collective purchases exceed the collective Minimum Purchase Quantities.

72. How much less would the City be paying in penalties for not using our allotment compared to current costs?

Last fiscal year, the City paid nearly \$4 million for not using the full Minimum Purchase Quantity. This fiscal year, the estimated charge is approximately \$3.3 million. With the proposed Amendment terms including lowering the City's MPQ to 80% of the current non-drought usage, staff does not expect the City will be paying "penalties" in the future.

73. With the old water agreement, Mountain View was allotted a high-water quantity. In 2015, when development was at a high rate, concerns about having enough water was brought up. Staff we had plenty to handle the large growth. With this new agreement, will the city have enough water rights to grow as much has had in the past?

The proposed amendment is not impacting the City's normal year water rights, which are secured by the Individual Supply Guarantees.

ITEM 8.1 New Council Policy G-9, Gatekeeper Application Policy and Procedures

74. Can staff provide a map showing the existing GP land use designation and zoning of the properties in Attachment 3 (map of qualifying properties)?

Yes, maps showing the acreage threshold (1, 2 and 3 acres) with Zoning and General Plan designations on each map are attached to these responses.

75. If a Council declines to authorize submission of a formal planning permit application, the applicant must wait two years before submitting a “substantially similar application.” How is “substantially similar” defined? What is the objective standard staff will use to determine if an application is “substantially similar?”

[Section 36.52.60 \(Authorization Hearing\)](#) of the City Code contains the following examples of changes to a project that the Community Development Director may consider to be a “substantial change” to a project: changes to the number of units, land use typology changes, changes to square footage and/or floor area ratio (FAR), or modifications to community benefits. In this specific instance, these are listed as project details that may warrant reauthorization of the project by the Council if made after the Council Authorization Hearing; however, these items could also be used as thresholds that would make a substantive difference in the project and allow a new Gatekeeper submittal in fewer than two years. Additionally, the City Council could amend the Policy to include specific, objective criteria for when a project could be reconsidered (e.g. a 20% increase in the number of units or square footage previously considered).

76. Several Affordable Housing sites have been used for temporary safe parking sites. What about listing allowing site to be used for safe parking before construction as a community amenity?

While it is possible for the Council to include this item as an example of a community benefit for Standard Gatekeeper projects and/or a qualifier for Streamlined Gatekeeper projects, safe parking sites have not been considered as community benefits associated with development in the past. The uncertainty associated with the development timeline for a given project could present challenges for a safe parking program operator to plan and operate a site if they are unable to secure a reliable commitment for use of a site. Additionally, a Conditional Use Permit is required for a safe parking site to operate on private property. The uncertain timing of the Conditional Use Permit process could affect the City’s ability to guarantee delivery of a safe parking site as a community benefit associated with a Gatekeeper project. Furthermore, two of the four safe parking sites (Evelyn lot and Shoreline Lot B) comprising over 90 percent of safe parking spaces are located on publicly owned sites. The other two sites are private and faith-based, with capacity for four safe parking spaces each. Lastly, the Human Services Division intends to focus its efforts in the next fiscal year on expanding the Shoreline Lot B safe parking site. It is unknown at this time whether sufficient staff capacity to manage establishment of additional safe parking sites on private property through the Gatekeeper process would be available.

77. The staff report states that, "The 'Gatekeeper Process' refers to the City's process for accepting an application for a private development project that proposes a legislative amendment to the City's land use regulations, such as a General Plan amendment, Precise Plan amendment, rezoning (map) amendment, or Zoning Code text amendment." Do we also define the rationale behind the city allowing amendments to our land use regulations? Should we?

Requirements for enactment of legislative amendments in the City Code vary. General Plan amendments provide the broadest discretion to City Council, providing the Council should approve an amendment "whenever required by public necessity and general welfare." The City Code is more prescriptive for zoning and precise plan amendments, providing particular findings that should be made for enactment.

Two findings that are common between zoning and precise plan amendments are that the proposed amendment is internally consistent with the General Plan, and that the proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city.

The findings can be found in the following sections of Chapter 36 of the City Code:

- For Precise Plan Amendments, [Section 36.50.95](#).
- For General Plan Amendments, [Section 36.52.30](#).
- For Zoning Amendments, [Section 36.52.70](#).

It is a policy question for Council whether it is desirable to further regulate its inherent discretion to enact legislative amendments.

78. How does staff propose that Gatekeeper proposals get community noticing and public input if they are going through the streamlined application process? How do they come to the EPC and Council? Are they on the regular agenda or consent?

A Streamlined Gatekeeper project would undergo the same public input process and noticing requirements as any new development application submitted to the Planning Division. The applicants of a Streamlined Gatekeeper project would be encouraged by staff to hold a community outreach meeting and would utilize the 750' noticing radius required by the City for this meeting. Additionally, the project would attend at least one public Design Review Consultation meeting early in the process. The project, once ready, would be on the regular agenda for public hearings to consider the project, where mailed public notices would be distributed within a 750' radius from the project site. These projects would be discussed under the public hearing portion of the meeting agenda and would be reviewed by the EPC and City Council. Additionally, a project notification sign would be posted on-site. Importantly, the City Council retains full discretion whether to approve a Streamlined Gatekeeper project, and submittal as a Streamlined Gatekeeper project does not indicate a greater or lesser change of approval by City Council.

79. Does affordability in these cases mean permanent affordability, or does it expire at some point? If it expires, what expiration time frames are we allowing?

The draft policy provides that any below-market rate (BMR) units proposed as part of a Gatekeeper project (streamlined or regular) shall comply with the City's BMR ordinance and guidelines. Thus, the affordability terms would align with the City's BMR requirements which currently provide for perpetual affordability restrictions unless otherwise approved by Council as part of its regular Gatekeeper project community benefits consideration, or through an alternative mitigation strategy at time of project approval.

80. Can you name some examples of community facilities that staff and the CPPC might have been thinking appropriate in C iii?

The Council Policy and Procedures Committee (CPPC) discussed facilities identified in the City's Capital Improvement Program (CIP), or in other adopted City policy documents, as potential sources for identification of relevant community facilities.

81. What does "Prioritize the preservation of large, healthy trees on-site" mean in practice? Do these criteria have any more teeth than we now have?

Preservation of large, healthy trees on-site would mean that the applicant should design their project to avoid removals of Heritage trees that are considered in Excellent or Good health per the Arborist Report, and reviewed by the City's Arborist, as submitted for the project. Given that Gatekeeper projects require legislative amendments that preserve significant discretion for City Council, the City would have the ability to require design changes to a development project that lead to preservation of additional trees on the project site, giving City Council more opportunities than the City's standard development review process to preserve large, healthy trees.

82. When you say, "projects proposing only a zone change/General Plan map change (no development) can apply," does that mean site owners who want to change the zoning &/or GP designation but then want to sell the benefits of the change rather than develop themselves? If not, then what does it mean? If so, what is the benefit of allowing this?

It is difficult for staff to speculate on property owner motivations for seeking a legislative amendment without proposing an associated development project. It is possible a property owner would seek a legislative amendment without proposing a project to increase a property's value with the intention of selling the property. It is also possible a property owner would seek a legislative amendment without an associated project to determine the City's receptiveness to a type of development prior to expending resources preparing plans and materials that demonstrate the proposed development for the Gatekeeper process. Importantly, the draft policy presented to City Council does not include a provision to allow such Gatekeeper project applications, although the City Council could consider allowing this in the future once corresponding amendments to the City Code have been made.

83. The staff report says, "Council can condition the reauthorization terms of an application, such as allowing an application to make certain project changes and to reapply in fewer than two years as specified by Council." "Such as" means that we are allowing other changes as well at this point. What other reauthorization changes can Council make and what is the benefit of allowing this?

The intent of this provision is to allow Council to provide direction to an applicant on project revisions that would potentially allow a project to be reviewed more favorably in the future. Potential changes could include suggesting more affordable housing, or a greater park land dedication, or revising the nature and extent of the requested legislative amendment (e.g., eliminating a General Plan amendment request and seeking only a rezoning). The policy as drafted does not limit Council's discretion to provide direction and authorize a resubmittal timeframe of fewer than two years for a substantially similar project.

84. The staff report says, "Currently, Sections 36.52.15.e (General Plan Amendments) and 36.52.55.f (Zoning Amendments) of Chapter 36 (Zoning) of the City Code contain the list of General Plan and zoning amendments that are exempt from the Council Authorization Hearing process. Staff proposes to delete these from the City Code and instead relocate the list of Streamlined Gatekeeper criteria to the Council Policy. This will provide greater flexibility for City Council to periodically update the Streamlined Gatekeeper criteria by adoption of a resolution rather than having to amend Chapter 36 (Zoning) of the City Code, which requires separate review by the Environmental Planning Commission (EPC) prior to Council action."

Would this send Streamlined Gatekeeper criteria to the CPPC and then Council on Consent, meaning changes to the GP and Zoning can happen with little official or public review?

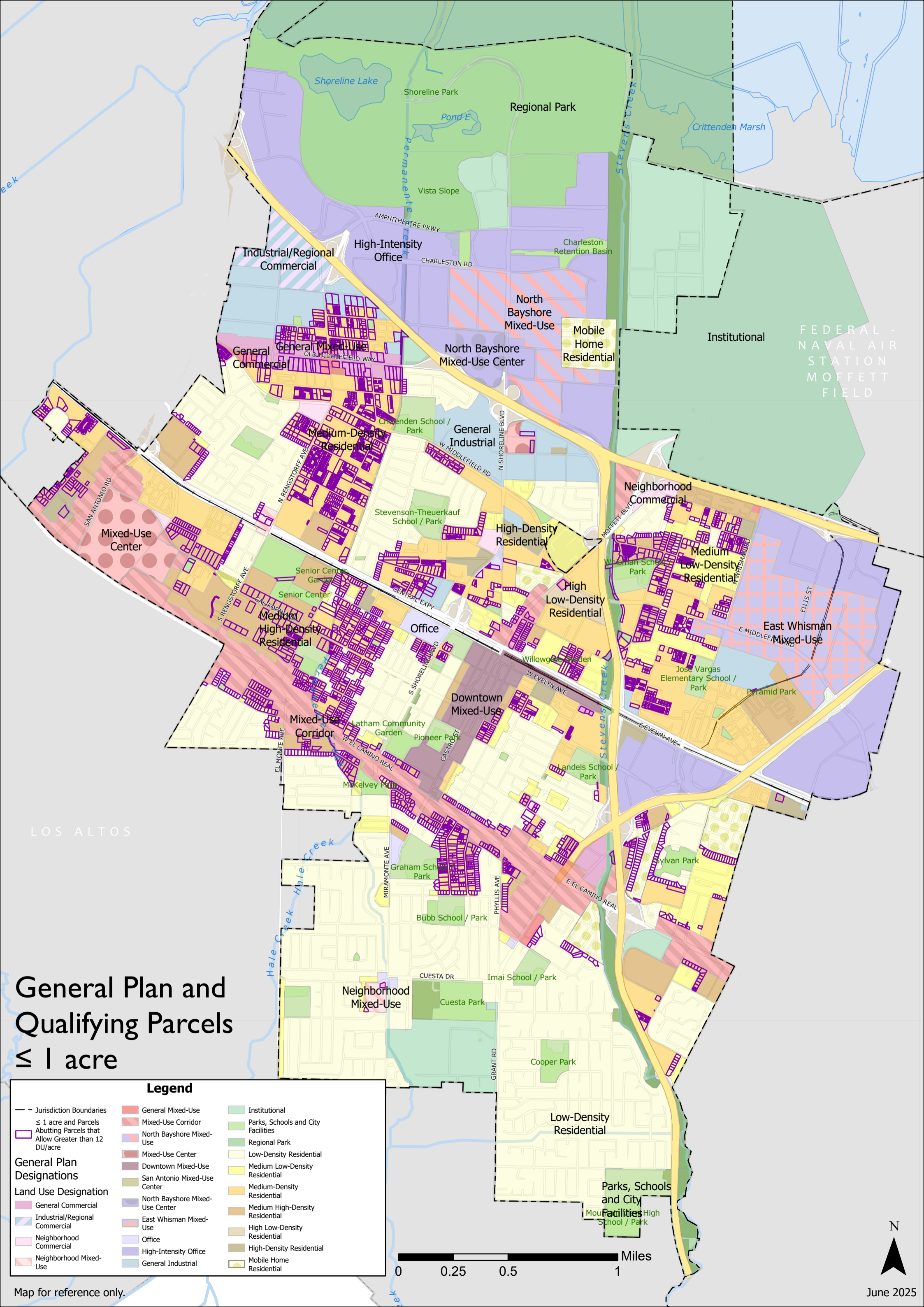
Council can define in the policy the appropriate procedures for amendments. As drafted, the proposed policy could be amended as any other City Council policy – by Council adoption of a resolution, and with or without committee input. In any case, public input would be possible at any Council committee review meeting as well as at any City Council meeting where a Gatekeeper policy amendment is being considered (whether on consent calendar or as a regular agenda item).

85. The staff report says, "the CPPC requested to review the Gatekeeper Policy annually to make adjustments in response to changing market conditions where refinements will occur over time." Why the focus on changing market conditions and no other changing conditions such as transportation and land use changes (AVs, mass transit, etc.)?

Staff communicated the discussion by CPPC. The summary provided by staff should not be considered an exclusive list of reasons the City Council may want to consider revisions to the Gatekeeper policy in the future. Any number of considerations may warrant Council revision of the policy, including changing conditions in transportation and land use. Regular review of the Gatekeeper policy could ensure it remains a relevant tool for prioritizing staff resources related to development project processing in a way that best meets community needs.

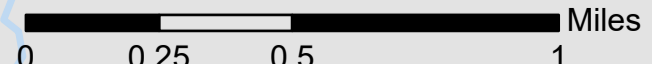
86. Since market conditions are often cyclical and land use policy is often unidirectional (i.e. many changes would be considered a taking if they are reversed) is a focus on constant adaptation to current market conditions good policy?

City Council can revise the policy as frequently as it determines is necessary to meet community needs. The CPPC discussed how changing economic conditions could make certain types of development desired by the City more or less likely to be achieved, meaning the City Council may want to adjust the requirements and suggested criteria over time to achieve the best outcomes for the community. It is not possible for the City to fully predict how social, political, economic, and other factors may shift in the future. Thus, periodic updates to the Gatekeeper policy may be necessary to adapt the policy and deliver the Council's desired outcomes. By placing more Gatekeeper requirements in a Council-adopted policy, the intention is to provide more flexibility to adapt the Policy to these various changes.

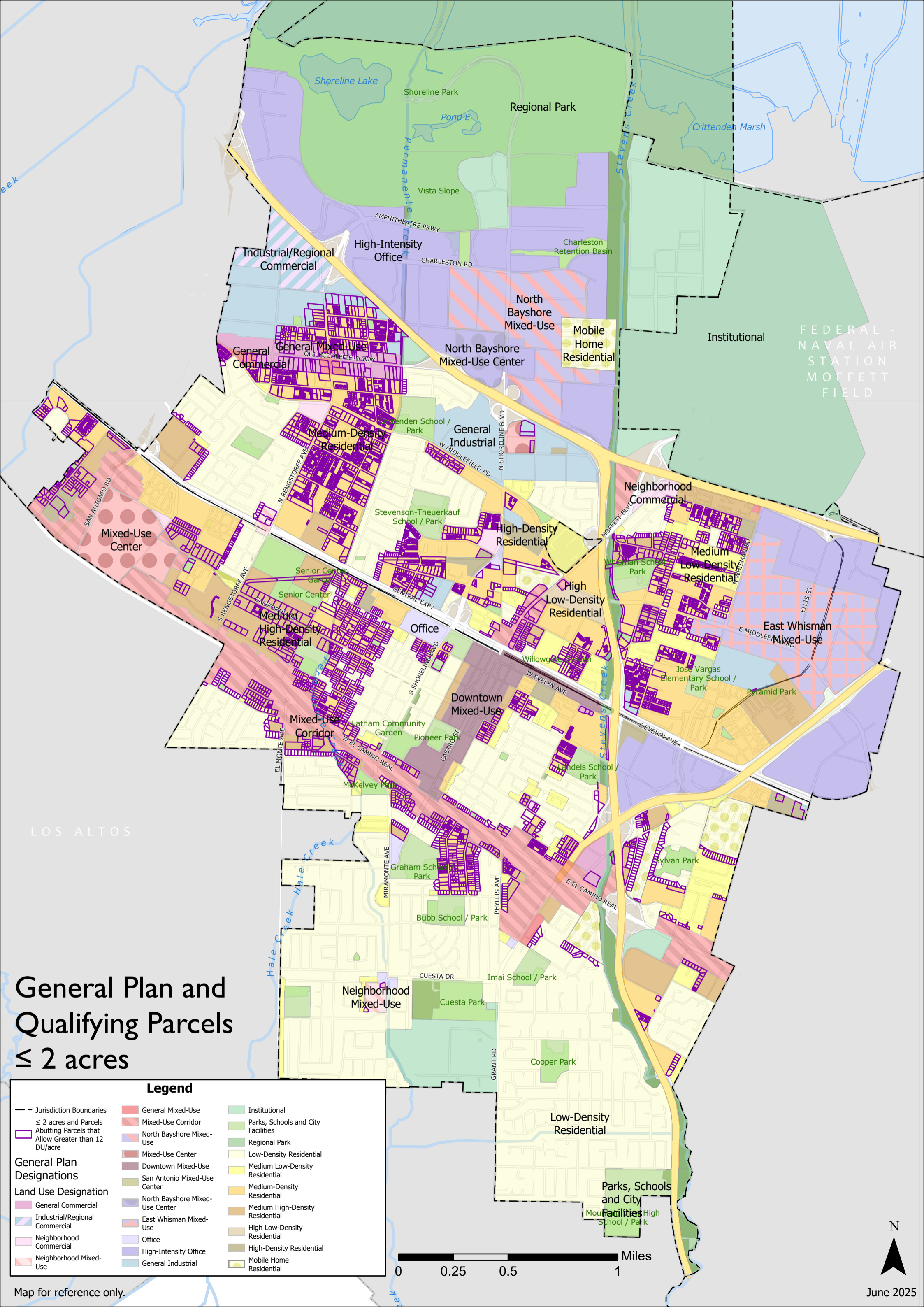


General Plan and Qualifying Parcels ≤ 1 acre

Legend		
--- Jurisdiction Boundaries	General Mixed-Use	Institutional
□ ≤ 1 acre and Parcels Abutting Parcels that Allow Greater than 12 DU/acre	Mixed-Use Corridor	Parks, Schools and City Facilities
General Plan Designations	North Bayshore Mixed-Use	Regional Park
Land Use Designation	Mixed-Use Center	Low-Density Residential
General Commercial	Downtown Mixed-Use	Medium Low-Density Residential
Industrial/Regional Commercial	San Antonio Mixed-Use Center	Medium-Density Residential
Neighborhood Commercial	North Bayshore Mixed-Use Center	Medium High-Density Residential
Neighborhood Mixed-Use	East Whisman Mixed-Use	High Low-Density Residential
	Office	High-Density Residential
	High-Intensity Office	Mobile Home Residential
	General Industrial	



Map for reference only.

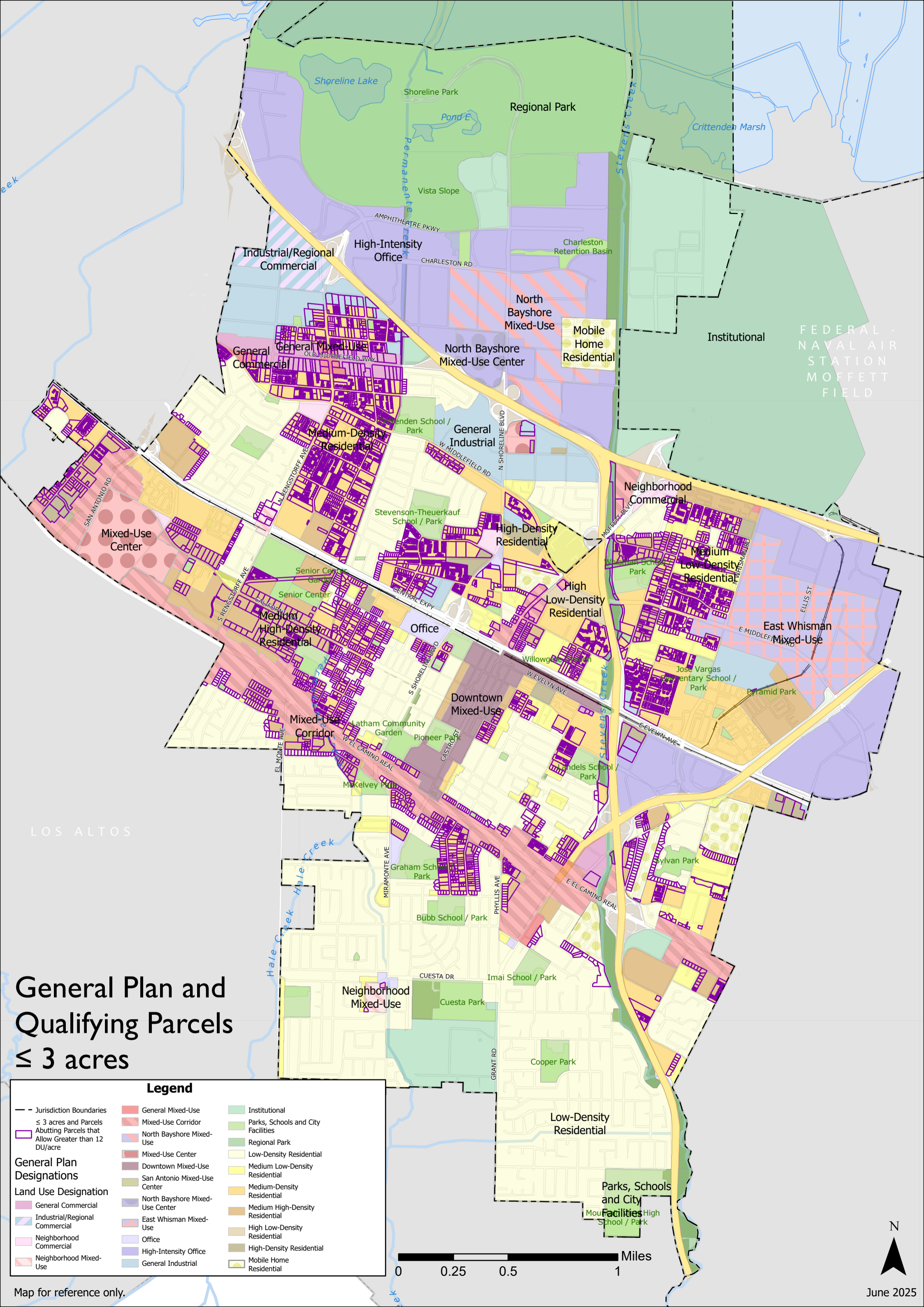


General Plan and Qualifying Parcels ≤ 2 acres

Legend		
--- Jurisdiction Boundaries	General Mixed-Use	Institutional
□ ≤ 2 acres and Parcels Abutting Parcels that Allow Greater than 12 DU/acre	Mixed-Use Corridor	Parks, Schools and City Facilities
General Plan Designations	North Bayshore Mixed-Use	Regional Park
Land Use Designation	Mixed-Use Center	Low-Density Residential
General Commercial	Downtown Mixed-Use	Medium Low-Density Residential
Industrial/Regional Commercial	San Antonio Mixed-Use Center	Medium-Density Residential
Neighborhood Commercial	North Bayshore Mixed-Use Center	Medium High-Density Residential
Neighborhood Mixed-Use	East Whisman Mixed-Use	High Low-Density Residential
	Office	High-Density Residential
	High-Intensity Office	Mobile Home Residential
	General Industrial	

0 0.25 0.5 1 Miles

Map for reference only.

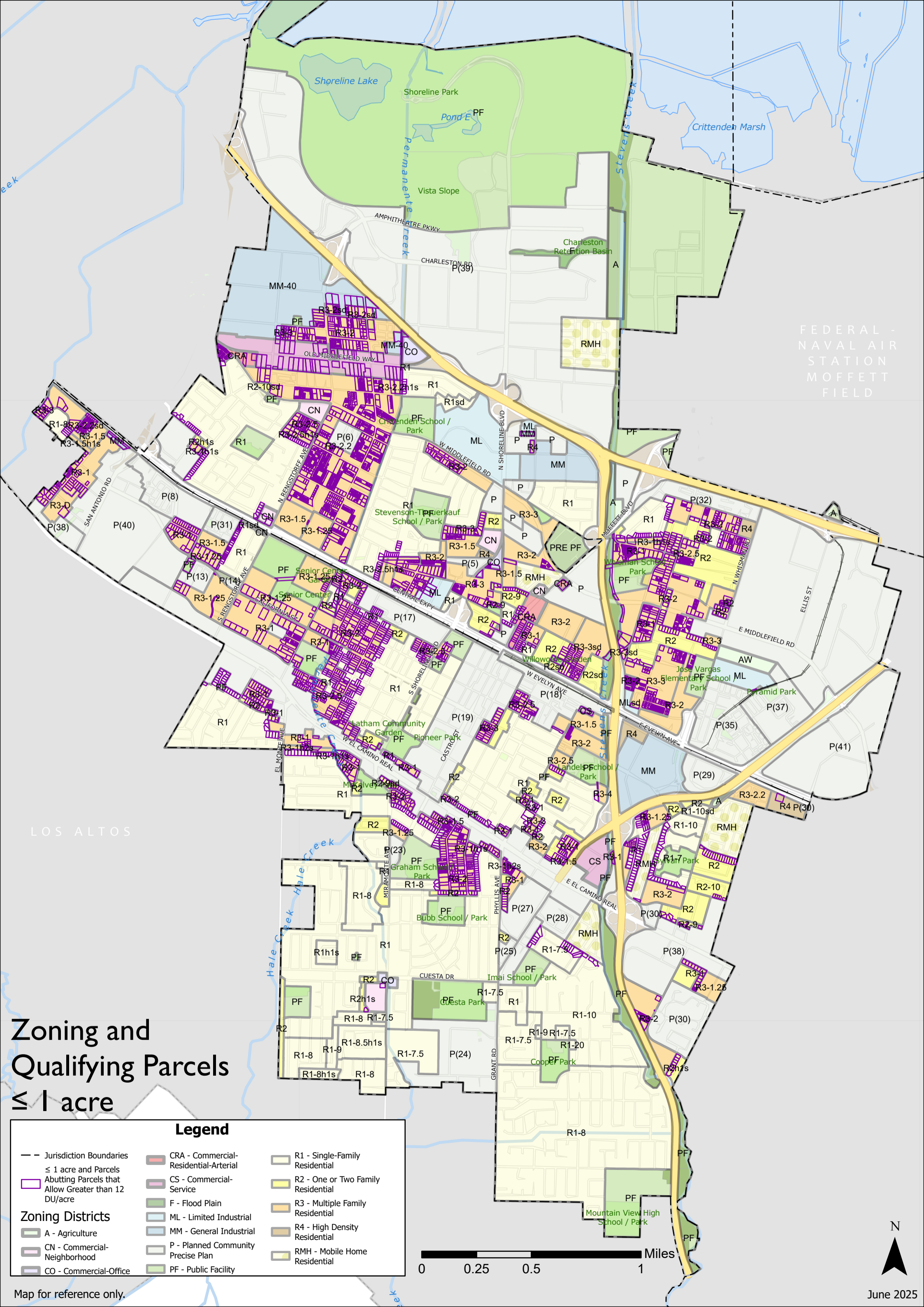


General Plan and Qualifying Parcels ≤ 3 acres

Legend		
--- Jurisdiction Boundaries	General Mixed-Use	Institutional
□ ≤ 3 acres and Parcels	Mixed-Use Corridor	Parks, Schools and City Facilities
□ Abutting Parcels that Allow Greater than 12 DU/acre	North Bayshore Mixed-Use	Regional Park
General Plan Designations	Mixed-Use Center	Low-Density Residential
Land Use Designation	Downtown Mixed-Use	Medium Low-Density Residential
General Commercial	San Antonio Mixed-Use Center	Medium-Density Residential
Industrial/Regional Commercial	North Bayshore Mixed-Use Center	Medium High-Density Residential
Neighborhood Commercial	East Whisman Mixed-Use	High Low-Density Residential
Neighborhood Mixed-Use	Office	High-Density Residential
	High-Intensity Office	Mobile Home Residential
	General Industrial	

0 0.25 0.5 1 Miles

Map for reference only.

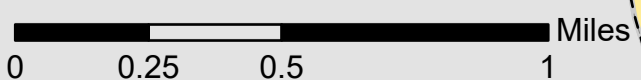


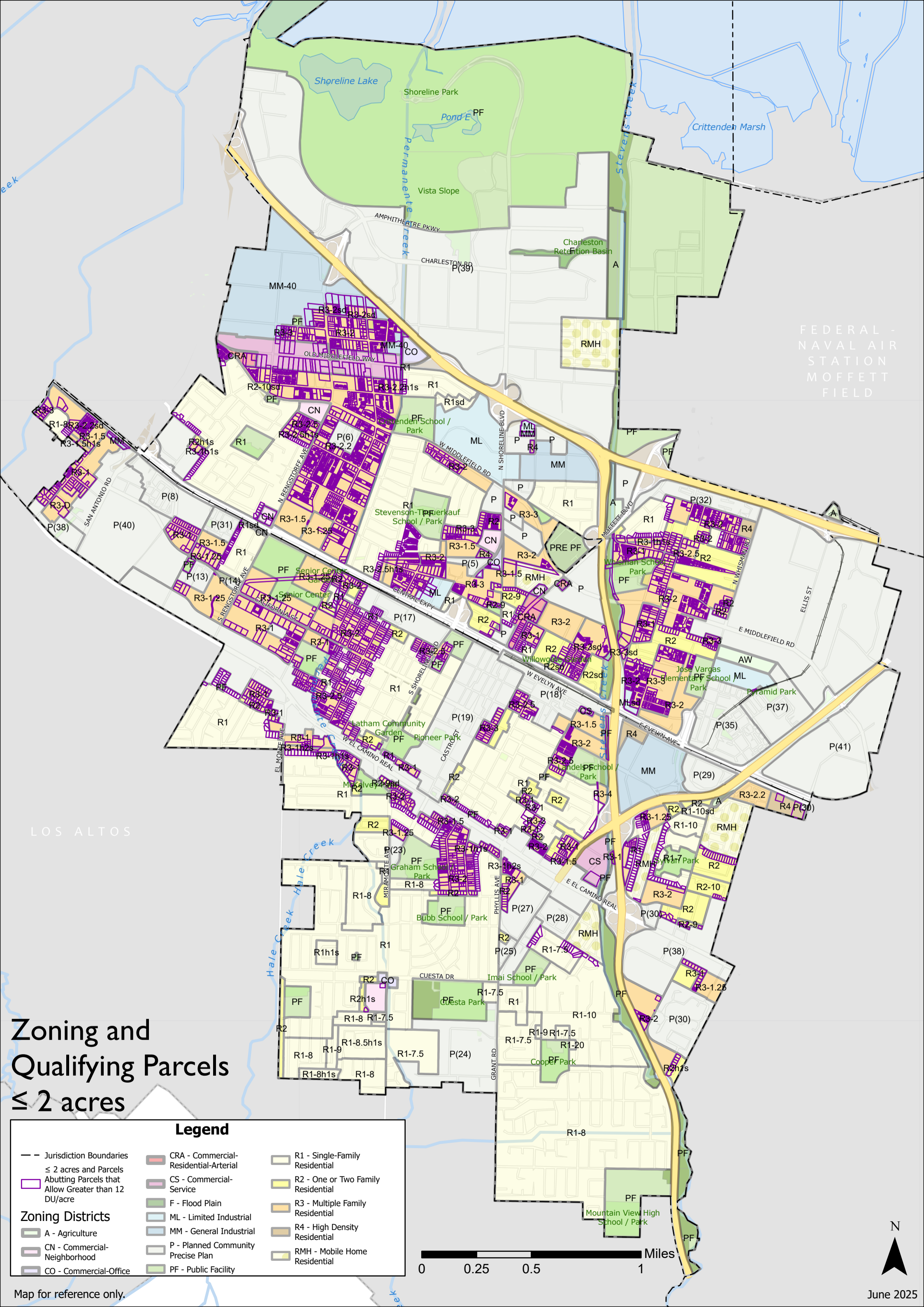
FEDERAL -
NAVAL AIR
STATION
MOFFETT
FIELD

LOS ALTOS

Zoning and Qualifying Parcels ≤ 1 acre

Legend		
--- Jurisdiction Boundaries	CRA - Commercial-Residential-Arterial	R1 - Single-Family Residential
▭ Abutting Parcels that Allow Greater than 12 DU/acre	CS - Commercial-Service	R2 - One or Two Family Residential
Zoning Districts	F - Flood Plain	R3 - Multiple Family Residential
A - Agriculture	ML - Limited Industrial	R4 - High Density Residential
CN - Commercial-Neighborhood	MM - General Industrial	RMH - Mobile Home Residential
CO - Commercial-Office	P - Planned Community Precise Plan	
	PF - Public Facility	



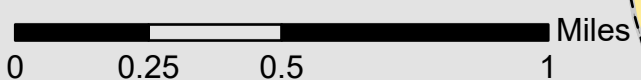


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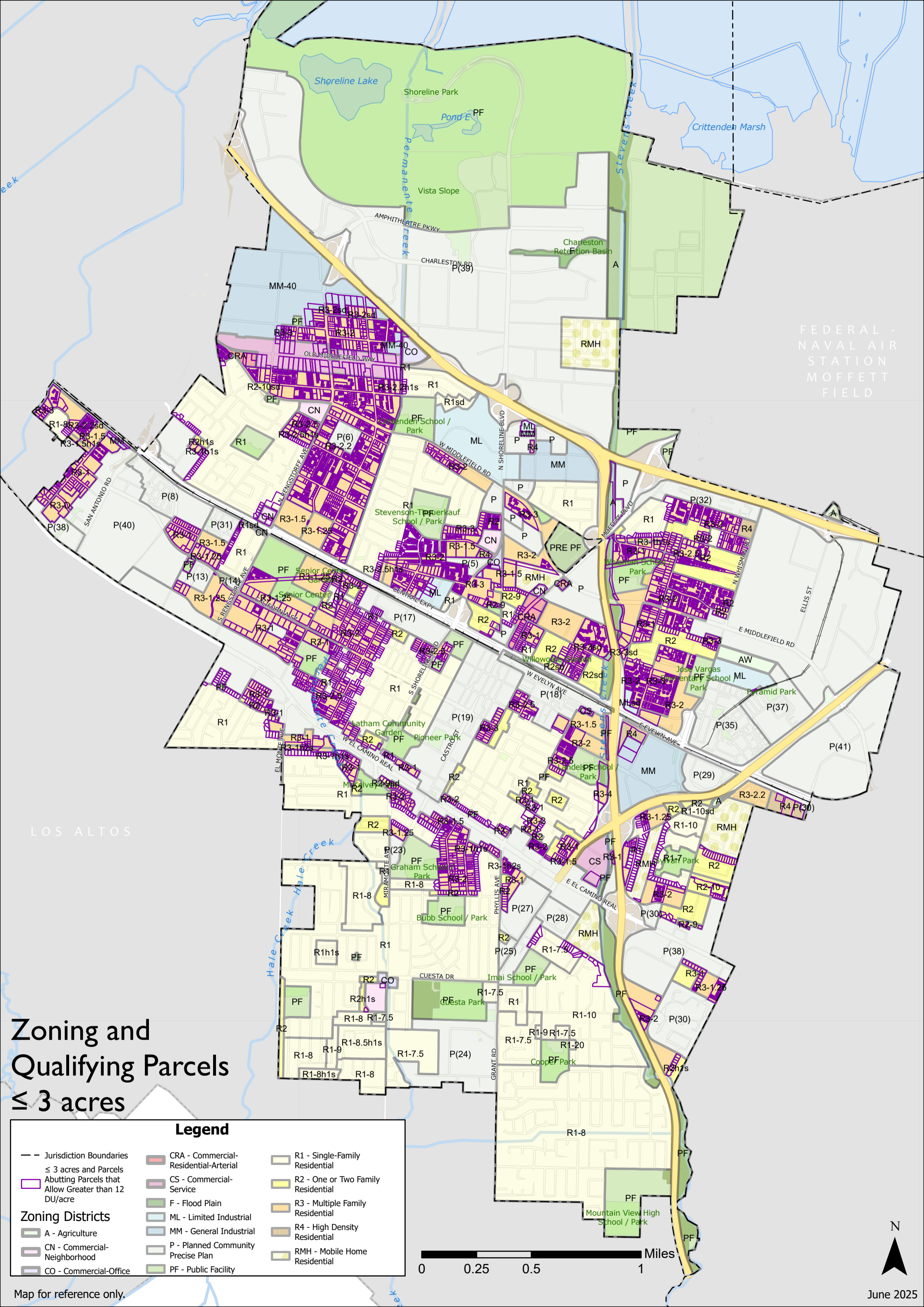
LOS ALTOS

Zoning and Qualifying Parcels ≤ 2 acres

Legend		
--- Jurisdiction Boundaries	CRA - Commercial-Residential-Arterial	R1 - Single-Family Residential
≤ 2 acres and Parcels Abutting Parcels that Allow Greater than 12 DU/acre	CS - Commercial-Service	R2 - One or Two Family Residential
Zoning Districts	F - Flood Plain	R3 - Multiple Family Residential
A - Agriculture	ML - Limited Industrial	R4 - High Density Residential
CN - Commercial-Neighborhood	MM - General Industrial	RMH - Mobile Home Residential
CO - Commercial-Office	P - Planned Community Precise Plan	
	PF - Public Facility	



Map for reference only.



FEDERAL -
NAVAL AIR
STATION
MOFFETT
FIELD

LOS ALTOS

Zoning and Qualifying Parcels ≤ 3 acres

Legend		
--- Jurisdiction Boundaries	CRA - Commercial-Residential-Arterial	R1 - Single-Family Residential
□ Abutting Parcels that Allow Greater than 12 DU/acre	CS - Commercial-Service	R2 - One or Two Family Residential
Zoning Districts	F - Flood Plain	R3 - Multiple Family Residential
A - Agriculture	ML - Limited Industrial	R4 - High Density Residential
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	PF - Public Facility	

