



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

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October 11, 2022

Video Conference with No Physical Meeting Location

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## REGULAR CITY COUNCIL MEETING

During this declared state of emergency, the meeting was conducted in accordance with California Government Code §54953(e) as authorized by resolution of the City Council. All members of the City Council participated in the meeting by video conference, with no physical meeting location.

### 5:00 P.M.-CLOSED SESSION

At 5:00 p.m., Mayor Ramirez called the meeting to order.

#### 1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

City Attorney Logue announced the items listed for Closed Session.

There were no public speakers.

At 5:04 p.m., Mayor Ramirez recessed the meeting to Closed Session with all Councilmembers present.

#### 2. CLOSED SESSION

##### 2.1 1. Public Employee Performance Evaluation (California Government Code 54957(b)(1)) - Title: Council Appointees: City Attorney, City Clerk and City Manager

2. Conference with Labor Negotiators (California Government Code 54957.6(a)) - Agency Designated Representative: Vice Mayor Hicks: Unrepresented Employees: City Attorney, City Clerk and City Manager

At 6:31 p.m., Closed Session concluded.

### 6:30 P.M.-REGULAR SESSION

#### 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

At 6:35 p.m., Mayor Ramirez called the meeting to order.

Mayor Ramirez led the Pledge of Allegiance.

#### 2. ROLL CALL

**Present:** 7 - Councilmember Abe-Koga, Councilmember Kamei, Councilmember Lieber, Councilmember Matichak, Councilmember Showalter, Vice Mayor Hicks, Mayor Ramirez

### **3. PRESENTATIONS**

#### **3.1 National Breast Cancer Awareness Month Proclamation**

Mayor Ramirez presented the proclamation to Councilmember Abe-Koga.

#### **3.2 National Community Planning Month Proclamation**

Mayor Ramirez presented the proclamation to Assistant City Manager/Community Development Director Aarti Shrivastava.

#### **3.3 Compassion Week Proclamation**

Mayor Ramirez presented the proclamation to Malia Pires from the Reach Potential Movement.

The following members of the public spoke:

Unknown speaker discussed rent rates.

### **4. CONSENT CALENDAR**

There were no public speakers.

MOTION - M/S - Abe-Koga/Hicks - To approve the Consent Calendar.

The motion carried by the following roll call vote:

**Yes:** 7 - Councilmember Abe-Koga, Councilmember Kamei, Councilmember Lieber, Councilmember Matichak, Councilmember Showalter, Vice Mayor Hicks, Mayor Ramirez

#### **4.1 Approve Minutes**

Approve City Council meeting minutes of September 13, 2022.

#### **4.2 AB 361 Resolution to Continue Remote Public Meetings During State of Emergency**

Adopt Resolution No. 18714 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.

#### **4.3 Bean Scene Café Lease Amendment**

1. Authorize the City Manager or designee to amend the lease with Wayne Liu and Xiaolin Xu, doing business as

The Mountain View Bean Scene for the Performing Arts Café, to continue to waive the Consumer Price Index annual rent adjustment for the first two years of the five-year Option Term; reduce rent to \$25,529 per year for years one and two of the Option Term; and set rent for year three of the Option Term at \$51,058 plus the Consumer Price Index annual rent adjustment for October 1, 2024. Consumer Price Index rental adjustments will continue for the remaining duration of the Option Term.

2. Authorize the City Manager to execute future amendments to the lease that would result in cumulative financial impacts, including adjustments to rental rates or annual Consumer Price Index increases, within the limits of Council Policy A-10-Authorization to Execute City Contracts and Agreements and Increase Certain Limited Appropriations effective at the time of any lease amendment execution.

## **5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS**

The following members of the public spoke:

Bruce England discussed a City media release from October 11 regarding efforts for carbon neutrality.

Kavita Aiyar from Mountain View, on behalf of Los Altos Mountain View Community Foundation, discussed enforcement of City Measure C.

Adin Miller from Mountain View, on behalf of Los Altos Mountain View Community Foundation, discussed enforcement of City Measure C.

Caleb Adams discussed enforcement of City Measure C.

Dan Dabek from Mountain View discussed enforcement of City Measure C.

Alex Brown indicated agreement with previous speakers.

Malia Pires from Mountain View discussed enforcement of City Measure C.

## **6. STUDY SESSION**

### **6.1 Firearm Safety Legislation**

The purpose of this Study Session was to receive direction from Council on options for additional firearm safety legislation.

Assistant City Attorney Diana Fazely presented the item. She indicated a correction to the Council Memo and stated the City of Los Gatos did allow home occupation sales.

Police Chief Chris Hsiung was available for questions.

The Council directed questions to staff.

The following members of the public spoke:

Rachel from Mountain View, on behalf of Moms Demand Action.

Tom Tatman from Mountain View.

At 8:39 p.m., Mayor Ramirez recessed the meeting. The meeting reconvened at 8:45 p.m. with all Councilmembers present.

By consensus, the Council indicated support for expanding locations where firearms are prohibited, imposing a license requirement for firearm dealers, prohibiting firearm sales as a home occupation (amortized), and restricting firearm dealers from being within 250 feet of schools, parks and daycares (amortized).

## **7. PUBLIC HEARINGS**

### **7.1 Public Hearing on Downtown Business Improvement Areas**

Economic Vitality Manager John Lang presented the item.

Assistant City Manager/Community Development Director Shrivastava was available for questions.

The Council directed questions to staff.

There were no public speakers.

MOTION - M/S - Abe-Koga/Matichak - To:

1. Approve the Mountain View Chamber of Commerce Annual Report.
2. Adopt Resolution No. 18715 of the City Council of the City of Mountain View Declaring Its Intent to Levy an Annual Assessment for Calendar Year 2023 for the Downtown Mountain View Business Improvement Area No. 1, and set a public hearing date of November 15, 2022.
3. Adopt Resolution No. 18716 of the City Council of the City of Mountain View Declaring Its Intent to Levy an Assessment for Calendar Year 2023 for the Downtown Mountain View Business Improvement Area No. 2, and set a public hearing date of November 15, 2022.

The motion carried by the following roll call vote:

**Yes:** 7 - Councilmember Abe-Koga, Councilmember Kamei, Councilmember Lieber, Councilmember Matichak, Councilmember Showalter, Vice Mayor Hicks, Mayor Ramirez

### **7.2 Castro Street Pedestrian Mall-Variou Actions**

Transportation Planner Aruna Bodduna presented the item.

The following members of the public spoke:

Money Singh, owner of Dandies Barbershop & Beard Stylist.  
Caleb Adams from Mountain View.

At 9:23 p.m., Mayor Ramirez recessed the meeting. The meeting reconvened at 9:28 p.m. with all Councilmembers present.

Dawn Cameron reported no written claims or protests had been submitted.

Mayor Ramirez closed the public hearing.

MOTION - M/S - Abe-Koga/Showalter - To:

Adopt Resolution No. 18717 of the City Council of the City of Mountain View Adopting a Negative Declaration for the Castro Street Pedestrian Mall Study in Accordance with the California Environmental Quality Act.

The motion carried by the following roll call vote:

**Yes:** 6 - Councilmember Abe-Koga, Councilmember Kamei, Councilmember Matichak, Councilmember Showalter, Vice Mayor Hicks, Mayor Ramirez

**Abstain:** 1 - Councilmember Lieber

MOTION - M/S - Abe-Koga/Hicks - To:

Adopt Resolution No. 18718 of the City Council of the City of Mountain View, Pursuant to California Streets and Highways Code Section 11311, Determining that Pedestrian Malls on Castro Street Between the East Leg of West Evelyn Avenue and Villa Street, Villa Street and West Dana Street, and West Dana Street and California Street Shall Be Established.

The motion carried by the following roll call vote:

**Yes:** 6 - Councilmember Abe-Koga, Councilmember Kamei, Councilmember Matichak, Councilmember Showalter, Vice Mayor Hicks, Mayor Ramirez

**Abstain:** 1 - Councilmember Lieber

MOTION - M/S - Abe-Koga/Showalter - To:

Introduce an Ordinance of the City of Mountain View Amending Chapter 27 of the Mountain View City Code to Add Article VI Establishing Pedestrian Malls on Castro Street Between the East Leg of West Evelyn Avenue and Villa Street, Villa Street and West Dana Street, and West Dana Street and California Street in the City of Mountain View, and set a second reading for October 25, 2022.

The motion carried by the following roll call vote:

**Yes:** 6 - Councilmember Abe-Koga, Councilmember Kamei, Councilmember Matichak, Councilmember Showalter, Vice Mayor Hicks, Mayor Ramirez

**Abstain:** 1 - Councilmember Lieber

MOTION - M/S - Abe-Koga/Matichak - To:

Approve a midyear Capital Improvement Program project, Interim Pedestrian Mall Improvements, and transfer and appropriate \$1,500,000 of American Rescue Plan Act funding that was previously appropriated in the General Non-Operating Fund to the new project. (Five votes required)

The motion carried by the following roll call vote:

**Yes:** 7 - Councilmember Abe-Koga, Councilmember Kamei, Councilmember Lieber, Councilmember Matichak, Councilmember Showalter, Vice Mayor Hicks, Mayor Ramirez

## **8. COUNCIL, STAFF/COMMITTEE REPORTS**

Councilmember Showalter stated she attended the California H2O Women Conference.

Councilmember Lieber stated she attended a Council Finance and Investment Review Committee meeting.

Councilmember Matichak stated she attended a Council Finance and Investment Review Committee meeting, a Council Policy and Procedures Committee meeting and a County of Santa Clara Airport Land Use Commission meeting.

Councilmember Kamei stated she attended a Community Health Awareness Council Board of Directors meeting.

Councilmember Showalter announced a Council Neighborhoods Committee meeting on October 13.

Councilmember Lieber stated the County of Santa Clara would remove racially restrictive covenants from property records.

## **FOLLOWING THE REGULAR SESSION**

### **9. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)**

City Attorney Logue announced the items listed for Closed Session.

There were no public comments.

At 9:42 p.m., Mayor Ramirez recessed the meeting to Closed Session.

### **10. CLOSED SESSIONS**

#### **10.1 Conference with Legal Counsel-Liability Claims (Government Code §54956.9(d)(2),(e)(3)); Claimant: Michael O'Rourke against the City of Mountain View**

- 10.2 Conference with Legal Counsel-Liability Claims (Government Code §54956.9(d)(2),(e)(3)); Claimant: Laura Gonzalez against the City of Mountain View**
- 10.3 Conference with Legal Counsel-Liability Claims (Government Code §54956.9(d)(2),(e)(3)); Claimant: Pedro Rivera against the City of Mountain View**

At 9:58 p.m., Closed Session concluded.

**11. CLOSED SESSION REPORT**

City Attorney Logue reported the Council took final action on Item 10.1, which was a conference with legal counsel regarding a liability claim filed by Michael O'Rourke against the City of Mountain View. She stated Michael O'Rourke submitted a claim to the City of Mountain View seeking \$10 million in damages based on an alleged conspiracy beginning in 1997 to cover up his complaints against Mountain View police officers. She stated the Council voted with seven ayes, zero noes and zero abstentions to deny claim.

City Attorney Logue reported the Council took final action on Item 10.2, which was a conference with legal counsel regarding a liability claim filed by Laura Gonzalez against the City of Mountain View. She stated Laura Gonzalez submitted a claim to the City of Mountain View seeking \$7.6 million in damages resulting from the loss of her son, Ayden Rivera-Gonzalez, in a drowning incident that occurred in a swimming pool at a private apartment building located at 1895 Ednamary Way in Mountain View, CA. She stated the Council voted with seven ayes, zero noes and zero abstentions to deny claim.

City Attorney Logue reported the Council took final action on Item 10.3, which was a conference with legal counsel regarding a liability claim filed by Pedro Rivera against the City of Mountain View. She stated Pedro Rivera submitted a claim to the City of Mountain View seeking \$7.6 million in damages resulting from the loss of his son, Ayden Rivera-Gonzalez, in a drowning incident that occurred in a swimming pool at a private apartment building located at 1895 Ednamary Way in Mountain View, CA. She stated the Council voted with seven ayes, zero noes and zero abstentions to deny claim.

**12. ADJOURNMENT**

At 10:02 p.m., Mayor Ramirez adjourned the meeting.