



Pat Showalter, Mayor
Lisa Matichak, Vice Mayor
Margaret Abe-Koga, Councilmember
Alison Hicks, Councilmember
Ellen Kamei, Councilmember
Lucas Ramirez, Councilmember
Emily Ann Ramos, Councilmember

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

January 23, 2024

Council Chambers and Video Conference, 500 Castro St., Mountain
View, CA 94041

This meeting was conducted with a virtual component. All members of the City Council and all speakers participated in-person unless otherwise noted.

5:00 P.M.-SPECIAL JOINT CLOSED SESSION WITH CITY OF SUNNYVALE CITY COUNCIL

At 5:02 p.m., Mayor Showalter called the meeting to order.

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

City Attorney Logue announced the item listed for Closed Session.

There were no public speakers in-person or virtually.

At 5:04 p.m., Mayor Showalter recessed the meeting to Closed Session with all members of the Mountain View City Council and the Sunnyvale City Council present.

2. CLOSED SESSION

2.1 Conference with Legal Counsel-Existing Litigation (Government Code §54956.9(d)(1)); Name of case: San Francisco Baykeeper v. City of Mountain View; City of Sunnyvale; United State District Court, Northern District of California, Case No. 20-CV-00824-EJD

At 6:33 p.m., Closed Session concluded.

6:30 P.M.-REGULAR SESSION

1. CALL TO ORDER

At 6:43 p.m., Mayor Showalter called the meeting to order.

2. PLEDGE OF ALLEGIANCE

Mayor Showalter led the Pledge of Allegiance.

3. ROLL CALL

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

4. CONSENT CALENDAR

Councilmember Ramirez pulled Item 4.1 for individual consideration.

There were no public speakers in-person or virtually.

MOTION - M/S - Ramirez/Matichak - To approve the balance of the Consent Calendar.

The motion carried, except for Item 4.1, by the following vote:

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

4.1 Amendments to Chapter 8 (Buildings), Chapter 25 (Neighborhood Preservation), Chapter 28 (Subdivisions), Chapter 32 (Trees, Shrubs and Plants), Chapter 35 (Water, Sewage and Other Municipal Services), and Chapter 36 (Zoning) of the City Code (Second Reading)

This item was pulled from the Consent Calendar by Councilmember Ramirez for individual consideration.

Councilmember Ramirez directed questions to staff and asked for a response to concerns raised in a letter received from Building Industry Association.

There were no public speakers in-person or virtually.

MOTION - M/S - Ramirez/Showalter - To:

1. Find the proposed amendments to Chapter 8 (Buildings), Chapter 25 (Neighborhood Preservation), Chapter 28 (Subdivisions), Chapter 32 (Trees, Shrubs and Plants), Chapter 35 (Water, Sewage and Other Municipal Services), and Chapter 36 (Zoning) of the Mountain View City Code to be exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061, Subsections (b)(1) through (b)(3), as the amendments are to align with State legislation, implement adopted Housing Element programs, relate to ministerial activities otherwise categorically exempt under the CEQA Guidelines, and are otherwise covered by the common-sense exemption that the amendments will not result in a significant effect on the environment.
2. Adopt Resolution No. 18864 of the City Council of the City of Mountain View Making Findings Required by California Public Utilities Code Section 21676 and Overruling the Santa Clara County Airport Land Use Commission's Determination of Inconsistency with the Comprehensive Land Use Plan for Moffett Federal Airfield Related to Zoning Ordinance Text Amendments to Chapter 36 (Zoning) of the City Code to Align with Recently Enacted State Law, Implement 2023-2031 Housing Element Programs, Modify and Clarify Administrative and Development Review Procedures, and Make Other Nonsubstantive Amendments. (2/3 vote of the Council required)
3. Adopt Ordinance 1.2024 of the City of Mountain View Amending Chapter 36 (Zoning) of the City Code to Align with Recently Enacted State Law and to Implement 2023-2031 Housing Element Programs, Including

Updates to Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations, the Land Use Tables and Development Standards in Residential, Commercial, and Industrial Zones Related to Low-Barrier Navigation Centers, Child Day-Care, Employee Housing, and Other Residential Uses, and Parking Requirements, and Provisions for Micro-Enterprise Home Kitchen Operations and Hydrogen Fueling Stations; to Modify Provisions Related to Entitlement Applications, Development Review, Hearing and Extension Processes; to Clarify or Streamline Existing Procedures and Practices; to Incorporate Permit Provisions for Moving Buildings; and to Make Modifications, Clarifications, and Technical Corrections.

4. Adopt Ordinance 02.2024 of the City of Mountain View Approving Amendments to Chapter 8 (Buildings), Chapter 25 (Neighborhood Preservation), Chapter 32 (Trees, Shrubs and Plants), and Chapter 35 (Water, Sewage and Other Municipal Services) to Replace References to the Development Review Committee with Design Review, Align with State Laws on Electric Vehicle Charging Requirements and Micro-Enterprise Home Kitchen Operations, and Relocate Certain Accessory Dwelling Unit Provisions from Chapter 36 into Chapter 8; and Amendments to Chapter 28 (Subdivisions) to Modify Lot Line Adjustment Procedures and Clarify Existing Subdivision Map Extension Procedures.

The motion carried by the following vote:

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

4.2 Modifications to Council Policy A-11, Financial and Budgetary Policy

Adopt Resolution No. 18863 of the City Council of the City of Mountain View Amending City Council Policy A-11, Financial and Budgetary Policy.

4.3 South Bay Salt Pond Restoration, Project 18-53-Agreement with California State Coastal Conservancy

1. Authorize the City Manager or designee to execute a Memorandum of Agreement with the California State Coastal Conservancy to design and construct the erosion protection, Bay Trail reconstruction, and Mitigation Channel outfall projects at the Shoreline at Mountain View Regional Park to support the South Bay Salt Pond Restoration, Project 18-53, Phase 2 of the Alviso-Mountain View pond complex at Pond A2W.

2. Find that in accordance with the California Environmental Quality Act requirements, the erosion protection project is categorically exempt as Class 1, Existing Facilities, under California Public Resources Code Section 15301, and the Bay Trail reconstruction and Mitigation Channel outfall projects are categorically exempt as Class 1, Existing Facilities, and Class 2, Replacement or Reconstruction, under California Public Resources Code Section 15301 and Section 15302.

4.4 California Street (West) Complete Street Improvements, Pilot, Project 21-40-Professional Services Agreement

Authorize the City Manager or designee to amend the professional services agreement with BKF Engineers, a California corporation, for California Street (West) Complete Street Improvements, Pilot, Project 21-40, to add \$120,000 for a not-to-exceed amount of \$480,000.

4.5 San Antonio Area Sewer Improvements, Construction (Phase II), Project 19-45-Construction Contract

1. Appropriate and transfer \$494,000 from the Wastewater Capacity Fee Fund to San Antonio Area Sewer Improvements, Construction (Phase II), Project 19-45, increasing the project budget from \$2,349,000 to \$2,843,000. (Five votes required)

2. Authorize the City Manager or designee to award a construction contract to K.J. Woods Construction, Inc., for \$2,009,000, which includes a \$183,000 construction contingency.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

The following members of the public spoke:

Clara Jessup from Mountain View discussed the conflict in Gaza and Israel.

Margaret Olivieri-Barton from Mountain View discussed the conflict in Gaza and Israel.

(Virtual) David Shreni discussed the California constitution and people's right to information.

(Virtual) You You Xue discussed challenges with planning application processing delays.

(Virtual) Tim MacKenzie from Mountain View discussed the conflict in Gaza and Israel.

6. STUDY SESSION

6.1 Caltrain Grade Separation Projects

The purpose of this Study Session was to provide an update on the status and cost estimates for the Castro Street (Transit Center) and Rengstorff Avenue Caltrain Grade Separation Projects and obtain Council direction on priorities and funding for the projects.

Senior Civil Engineer Joy Houghton and Public Works Director Dawn Cameron presented the item.

Assistant Public Works Director/City Engineer Ed Arango, Principal Civil Engineer Robert Gonzales, Project Consultant Jim Lightbody; Robert Barnard, Deputy Chief, Rail Design and Construction, Caltrain; Marcella Rensi, Deputy Director, Grants & Allocations, Santa Clara Valley Transportation Authority were available for questions.

The following members of the public spoke:

Alex Brown

(Virtual) Robert Cox

(Virtual) Daniel Hulse

(Virtual) Adrian Brandt

(Virtual) Tim MacKenzie

(Virtual) Hala from Mountain View

(Virtual) Louise Katz

(Virtual) Adam Klett

By consensus, the Council indicated support for the: 1) recommended reduction in the scope of the Castro

Project to the core bike/pedestrian undercrossing improvements; and 2) recommended implementation of project priority Alternative B – Prioritize Rengstorff Avenue Grade Separation, which includes an interim plan for the Castro Street crossing of the train tracks and Central Expressway.

The Council also indicated support for staff to:

1. Continue final design for the Castro Street Grade Separation Project.
2. Submit a letter signed by the Mayor to Caltrain requesting they help reduce project costs, including approving temporary suspension of train service and operations to support construction.
3. Increase the public art budget for the Castro Street Grade Separation Project.
4. Consider additional project scope for the Castro Interim Improvements, including no right-turn on red or a pedestrian scramble for the intersection of Moffett Boulevard and Central Expressway and neighborhood traffic control.

7. NEW BUSINESS

7.1 Appointing an Extra-Help Retired Annuitant Under Government Code Sections 7522.56 and 21224

Acting Human Resources Director Lindsey Bishop presented the item.

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

1. Adopt Resolution No.18865 of the City Council of the City of Mountain View for an Exception to the 180-Day Wait Period, Government Code Sections 7522.56 and 21224.
2. Appropriate \$75,000 in the General Non-Operating Fund in the Human Resources Department for retired annuitant wages.

The motion carried by the following vote:

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

7.2 Joint Use Agreement with Mountain View Whisman School District

Community Services Director John Marchant presented the item.

Kristine Crosby, Assistant Community Services Director was available for questions.

The following members of the public spoke:

Devon Conley, on behalf of the Mountain View Whisman School District staff and Board of Directors.
(Virtual) David Shreni

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

Authorize the City Manager or designee to execute a Joint Use Agreement between the Mountain View Whisman School District and the City of Mountain View for recreational use of school sites, in reliance on the letter from the Mountain View Whisman School District dated December 8, 2023.

The motion carried by the following vote:

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

7.3 2024 Gatekeeper Review Process

Assistant Community Development Director Lindsay Hagan presented the item.

The following members of the public spoke:

Alex Brown from Mountain View

(Virtual) Peter Katz, on behalf of the Mountain View Chamber of Commerce.

(Virtual) Ali Sapirman

(Virtual) Shahiedah Shabazz, on behalf of the Los Altos School District.

(Virtual) Matthew Reed, on behalf of Silicon Valley Home.

MOTION - M/S - Ramirez/Hicks - To:

Direct staff to move forward with current Gatekeeper process, as amended in Staff's presentation, for all applications to go to a council authorization hearing using the current criteria.

The motion carried by the following vote:

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

No: 1 - Councilmember Kamei

MOTION - M/S - Matichak/Abe-Koga - To direct staff to keep Gatekeeper process review as Priority A.

The motion carried by the following vote:

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

8. COUNCIL, STAFF/COMMITTEE REPORTS

Mayor Showalter stated she attended the United States Conference of Mayors 92nd Winter Meeting and the Mayors Innovation Project Winter 2024 meeting.

Councilmember Kamei provided an update on the Community Health Awareness Council Board of Directors and its Joint Powers Authority, and stated she would be attending the League of California Cities New Councilmember Academy on January 24 as the President of the Peninsula Division.

Vice Mayor Matichak stated she attended a Bay Area Water Supply Conservation Agency Board of Directors meeting.

Councilmember Abe-Koga stated she attended a League of California Cities Association meeting.

Councilmember Ramirez stated he attended the Mayors Innovation Project Winter 2024 meeting.

Councilmember Hicks stated she spoke at a Canopy speaker series.

9. CLOSED SESSION REPORT

City Attorney Logue stated that Council took final action on Item 2.1. She stated in Closed Session, the Council voted with 7 ayes, 0 noes and 0 abstentions to approve the filing of an amicus brief in the matter of City and County of San Francisco Baykeeper v. Environmental Protection Agency, United States Supreme Court Case No. 23-753. She stated there were no other reportable actions taken.

10. ADJOURNMENT

At 10:17 p.m., Mayor Showalter adjourned the meeting.