



Christopher R. Clark, Councilmember
John M. Inks, Councilmember
R. Michael Kasperzak, Jr., Councilmember

Ken S. Rosenberg, Vice Mayor
John McAlister, Councilmember
Leonard M. Siegel, Councilmember

Daniel H. Rich, City Manager
Lorrie Brewer, City Clerk

Patricia Showalter, Mayor

Jannie L. Quinn, City Attorney

November 22, 2016

Council Chambers - 500 Castro St.

**JOINT MEETING OF THE CITY COUNCIL (REGULAR) AND THE SHORELINE
REGIONAL PARK COMMUNITY (SPECIAL)**

**THE MEETING WAS TELECONFERENCED PURSUANT TO GC SECTION 54953(B)
WITH COUNCILMEMBER KASPERZAK PARTICIPATING IN THE MEETING
FROM THE RESIDENCE AT 6311 RIDGE DR. #23, BENZONIA, MI 49616. THE
TELECONFERENCE LOCATION WAS ACCESSIBLE TO THE PUBLIC AND AN
AGENDA FOR THE MEETING WAS POSTED AT THAT LOCATION PURSUANT
TO GC SECTION 54953(B)(3). MEMBERS OF THE PUBLIC HAD THE
OPPORTUNITY TO ADDRESS THE LEGISLATIVE BODY AT THIS LOCATION.**

5:00 P.M.-STUDY SESSION, PART I

1. CALL TO ORDER

Mayor Showalter called the meeting to order at 5:04 p.m.

2. ROLL CALL

Present: 6 - Councilmember Clark, Councilmember Inks, Councilmember
Kasperzak, Councilmember Siegel, Vice Mayor Rosenberg, and Mayor
Showalter

Absent: 1 - Councilmember McAlister

Councilmember McAlister arrived at 5:23 p.m.

3. STUDY SESSION

3.1 Mountain View Transit Center Master Plan.

Project Manager Jim Lightbody and Kimley-Horn and Associates Project Manager Adam Dankberg presented oral reports and they, City Manager Rich and Transportation and Business Manager Forsberg, responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS AND/OR WITH
RECOMMENDATIONS:

Linda Curtis
Jack Miller
Matthew Love
Deb Henigson
Greg Unangst
Adina Levin, Friends of Caltrain
Mark Cyffka

The Study Session concluded at 6:44 p.m.

6:30 P.M.- REGULAR SESSION

1. CALL TO ORDER

Mayor Showalter called the meeting to order at 6:57 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Showalter led the Pledge of Allegiance.

3. ROLL CALL

Present: 7 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, Vice Mayor Rosenberg, and Mayor Showalter

4. CONSENT CALENDAR

MOTION - MS - Rosenberg/Clark - To approve the Consent Calendar with Councilmember Inks recording a no vote on Item 4.3.

The motion carried by the following vote:

Yes: 7 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, Vice Mayor Rosenberg, and Mayor Showalter

4.1 Approval of Minutes.

That City Council approve the following minutes:

- 1. October 25, 2016 meeting;**
- 2. November 1, 2016 meeting; and**
- 3. November 15, 2016 meeting.**

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Don Letcher

4.2 Ordinance Mandating the Use of Online or Electronic Filing of Campaign Statements and Statements of Economic Interest (Second Reading).

Adopt Ordinance No. 16.16 Amending Chapter 2 of the Mountain View City Code Mandating the Use of Online or Electronic Filing of Campaign Statements and Statements of Economic Interest (Attachment 1 to the Council report). (First reading: 5-0-2; Kasperzak, Rosenberg absent)

4.3 Amend Chapters 8, 14, and 24 of the City Code and Adopt the 2016 California and 2015 International Codes, Incorporating by Reference Other Uniform Codes (Second Reading).

1. Adopt Ordinance No. 17.16 Amending Chapter 8, Articles I, II, III, IV, and V, of the Mountain View City Code, Relating to the Adoption of the 2016 California Building Codes, Incorporating by Reference Other International and Uniform Codes and Adoption of the 2015 International Property Maintenance Code (Attachment 1 to the Council report). (First reading: 6-1; Inks no)

2. Adopt Ordinance No. 18.16 Amending Chapter 14, Articles I and II, of the Mountain View City Code, Relating to the Adoption of the 2015 International Fire Code, Incorporating by Reference the Amendments Adopted by the State of California to Establish the 2016 California Fire Code (Attachment 2 to the Council report). (First reading: 6-1; Inks no)

3. Adopt Ordinance No. 19.16 Amending Chapter 24, Articles I and II, of the Mountain View City Code, Relating to Hazardous Materials (Attachment 3 to the Council report). (First reading: 6-1; Inks no)

Councilmember Inks registered a no vote on this item.

4.4 Library Elevator Modernization, Project 17-54-Approve Plans and Specifications/Authorize Bidding.

1. Approve plans and specifications for modernization of the public use elevators in the Mountain View Public Library, and authorize staff to advertise the project for bids.

2. Authorize the City Manager to award a construction contract to the lowest responsible bidder if the bid is within the project budget.

4.5 Fiscal Year 2015-16 Annual Compliance Report for Development Impact Fees and Capacity Charges; and Informational Reporting of Park Land Dedication Fee.

- 1. Review the Fiscal Year 2015-16 Annual Compliance Report for the Below-Market-Rate Housing, Housing Impact, Rental Housing Impact, Downtown Parking In-Lieu, North Bayshore Development Impact, Water Development Impact, Wastewater Development Impact, Water Capacity Charges, and Sewer Capacity Charges funds.**
- 2. Review the Fiscal Year 2015-16 informational report for the Park Land Dedication funds.**
- 3. Adopt Resolution No. 18105 Making Findings with Respect to the Unexpended Balance of Below-Market-Rate (BMR) Housing Fees and Investment Earnings (California Government Code Section 66000, et seq.), to be read in title only, further reading waived (Attachment 1 to the Council report).**
- 4. Adopt Resolution No. 18106 Making Findings with Respect to the Unexpended Balance of the Housing Impact Fees and Investment Earnings (California Government Code Section 66000, et seq.), to be read in title only, further reading waived (Attachment 2 to the Council report).**
- 5. Adopt Resolution No. 18107 Making Findings with Respect to the Unexpended Balance of Parking In-Lieu Fees and Investment Earnings (California Government Code Section 66000, et seq.), to be read in title only, further reading waived (Attachment 3 to the Council report).**

4.6 Proposed Ordinance Amendment Regulating the Use of City Trails.

Introduce an Ordinance Amending Chapter 38, Regulating the Use of City Parks and Other City Facilities, Amending Article IV, Regulating the Use of City Trails, to Amend Section 38.201 and Delete Section 38.202, to be read in title only, further reading waived, and set the second reading for December 13, 2016 (Attachment 1 to the Council report).

4.7 Final Map Approval and Summary Vacation, Tract No. 10326, 100 and 420-430 Ferguson Drive.

Adopt Resolution No. 18108 Approving the Final Map of Tract No. 10326, Accepting Dedications, Summarily Vacating a Public Easement, and Making Findings as Required by the City Code, to be read in title only, further reading waived (Attachment 1 to the Council report).

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Don Letcher expressed concerns with the business practices of O'Malley's Sports Bar.

Barbara Goodwin spoke in support of Councilmember Siegel's guest opinion in The Voice. Ms. Goodwin also spoke regarding her offer of providing pins to individuals to wear to represent that they are a safe place.

Job Lopez spoke in support of Councilmember Siegel's guest opinion in The Voice. Mr. Lopez also expressed appreciation to all of the Councilmembers that voted yes on the just cause eviction urgency ordinance. Mr. Lopez also expressed concerns with the results of the recent Presidential election.

Maria Marroquin expressed appreciation to all of the Councilmembers that voted yes on the just cause eviction urgency ordinance. Ms. Marroquin also requested that in light of the recent presidential election results, Council act as leaders in support of the residents in the community.

Angel Santuario expressed appreciation to all of the Councilmembers that voted yes on the just cause eviction urgency ordinance. Mr. Santuario also presented information regarding his recent experience with a racist member of the community, and he encouraged Council to hold open community discussions regarding fear in the community that has developed since the results of the presidential election.

Daniel DeBolt expressed appreciation to all of the Councilmember that voted yes on the just cause eviction urgency ordinance. Mr. DeBolt also spoke regarding the prior Police Chief's position on immigration issues, and he requested that Council report on the current practices.

Joan MacDonald shared a story regarding actions taken several years ago in Billings, Montana in support of the Jewish Community. Ms. MacDonald also requested information on the outreach being conducted regarding the just cause eviction ordinance.

6. PUBLIC HEARINGS**6.1 Public Hearing on Assessment for Business Improvement Areas (BIAs) No. 1 and No. 2 and Allocation of 2017 BIA Revenues.**

Mayor Showalter opened the Public Hearing at 7:24 p.m.

Business Development Specialist Chew presented an oral staff report.

Seeing no one wishing to speak, Mayor Showalter closed the Public Hearing at 7:26 p.m.

MOTION - MS - Clark/ Siegel - To:

1. Adopt Resolution No. 18109 Levying the Annual Benefit Assessments for Fiscal Year 2016-17 for Downtown Mountain View Business

Improvement Area (BIA) No. 1, to be read in title only, further reading waived (Attachment 1 to the Council report).

2. Adopt Resolution No. 18110 Levying the Annual Benefit Assessments for Fiscal Year 2016-17 for Downtown Mountain View Business Improvement Area (BIA) No. 2, to be read in title only, further reading waived (Attachment 2 to the Council report).

3. Approve the Central Business Association (CBA) report.

4. Authorize the City Manager to execute a contract for services with the CBA for 2017 and authorize the allocation of 2017 revenues from BIA No. 1 and BIA No. 2 to the CBA.

The motion carried by the following vote:

Yes: 7 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, Vice Mayor Rosenberg, and Mayor Showalter

6.2

Zoning Text Amendments-Seismic Retrofit of Legal Nonconforming Uses and Structures.

Mayor Showalter opened the Public Hearing at 7:29 p.m.

Associate Planner Pancholi presented an oral staff report and she, City Attorney Quinn, Assistant Community Development Director Blount and Chief Building Official Woodworth, responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS AND/OR WITH RECOMMENDATIONS:

Hue Simpson

Mayor Showalter closed the Public Hearing at 7:54 p.m.

MOTION - MS - Clark/ Rosenberg - To Introduce an Ordinance Amending Article III, Section 36.06.80 and Section 36.06.85, of the Mountain View City Code, Relating to Seismic Retrofits of Legal Nonconforming Soft-Story Structures, to be read in title only, further reading waived (Attachment 1 to the Council report), and set a second reading for December 13, 2016.

The motion carried by the following vote:

Yes: 7 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, Vice Mayor Rosenberg, and Mayor Showalter

7. NEW BUSINESS**7.1 Artists Selections-Public Art for the Community Center Building Remodel Project.**

Administrative Aide Stemel, Counterpoint Studios Artist Lisa Levine and Artist Nga Trinh presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT OF THE ARTISTS:

An Vidwan

Janis Zinn, Visual Arts Committee Member

Jesse Cupp, Visual Arts Committee Vice Chair

Thomas Eckard

MOTION - MS - Siegel/ Clark - To approve the Selected artists LC Studio Tutto (Sofia Lacin and Hennessey Christophel), Counterpoint Studios (Peter Tonningson and Lisa Levine), Nga Trinh, and Stephen Galloway for the commission of public art at the Community Center building located at 201 South Rengstorff Avenue.

The motion carried by the following vote:

Yes: 7 - Councilmember Clark, Councilmember Inks, Councilmember Kasperzak, Councilmember McAlister, Councilmember Siegel, Vice Mayor Rosenberg, and Mayor Showalter

Council recessed at 8:28 p.m. and reconvened at 8:40 p.m.

6:30 P.M. REGULAR SESSION - STUDY SESSION**8. STUDY SESSION, PART II****8.1 777 West Middlefield Road.**

Senior Planner Bhagat presented an oral staff report and she, Assistant Community Development Director Blount, City Attorney Quinn, City Manager Rich, Fortbay Principal Perry Hariri, The Pacific Companies Chief Executive Officer Caleb Roope and Associate Planner van Duersen, responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS AND/OR WITH
RECOMMENDATIONS:

Arthur Zingher. Mr. Zingher also responded to Council's questions.

Daniel DeBolt

Mark Ciotola

Barry Feldscher

Andy Barnes

John Keen

Greg Stoltz

Susan Johansen

Cliff Chambers

9. COUNCIL, STAFF/COMMITTEE REPORTS

Councilmember Kasperzak reported on his, and Councilmember McAlister's, Vice Mayor Rosenberg's and Mayor Showalter's, attendance at the National League of Cities Conference in Pittsburgh.

Councilmember Siegel reported on his attendance at the Select Committee on South Bay Arrivals final meeting.

Staff was directed to bring back a report on the current policies regarding the cooperation of the Police Department with the immigration authorities.

Councilmember McAlister reported on his attendance at the Valley Transportation Authority Policy Advisory Board and Silicon Valley Clean Energy Authority Board of Directors meetings.

10. CLOSED SESSION REPORT - None.

11. ADJOURNMENT - At 10:29 p.m., Mayor Showalter adjourned the meeting to the next City Council meeting to be held on Tuesday, November 29, 2016 at 6:30 p.m., in the Council Chambers, 500 Castro Street.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
CITY CLERK

PATRICIA SHOWALTER
MAYOR