

Margaret Abe-Koga, Councilmember
Ronit Bryant, Councilmember
John M. Inks, Councilmember

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



Christopher R. Clark, Mayor

R. Michael Kasperzak, Jr., Councilmember
John McAlister, Vice Mayor
Jac Siegel, Councilmember

Jannie L. Quinn, City Attorney

March 25, 2014

Council Chambers - 500 Castro Street

CITY COUNCIL AND SHORELINE REGIONAL PARK COMMUNITY

THIS SPECIAL MEETING WAS TELECONFERENCED PURSUANT TO GOVERNMENT CODE SECTION 54953(b) WITH MAYOR CLARK PARTICIPATING IN THE MEETING FROM 519 E. CAPITOL ST. SE, WASHINGTON, D.C. 20003. THE TELECONFERENCE LOCATION WAS ACCESSIBLE TO THE PUBLIC AND AN AGENDA FOR THE MEETING WAS POSTED AT THAT LOCATION PURSUANT TO GOVERNMENT CODE SECTION 54953(b)(3). MEMBERS OF THE PUBLIC HAD THE OPPORTUNITY TO ADDRESS THE LEGISLATIVE BODY AT THIS LOCATION.

5:30 P.M.-CLOSED SESSION (HELD IN THE PLAZA CONFERENCE ROOM)

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

At 5:37 p.m., an announcement was made by City Attorney Quinn, who described the item that Council would consider on the Closed Session Agenda below.

2. CLOSED SESSION

Vice Mayor McAlister called the meeting to order at 5:39 p.m. All Councilmembers were present. Mayor Clark participated by teleconference.

The Closed Session concluded at 6:24 p.m.

2.1 Conference with Real Property Negotiator (§54956.8)—

Property: APN 197-21-037 (no street number, Apricot Lane)--Agency Negotiator: Dennis Drennan, Real Property Program Administrator—Negotiating Party: Kanu Patel—Under Negotiation: Price and Terms of Sale of Real Property;

Property: APN 150-20-004 (no street number, Wright Avenue)-- Agency Negotiator: Dennis Drennan, Real Property Program Administrator—Negotiating Party: Public sale—Under Negotiation: Price and Terms of Sale of Real Property;

Property: 449 Franklin Street (APN 158-11-046)-- Agency Negotiator: Dennis Drennan, Real Property Program Administrator—Negotiating Party: Public sale—Under Negotiation: Price and Terms of Sale of Real Property;

Property: 247 N. Whisman Road (APN 160-52-009)—Agency Negotiator: Dennis Drennan, Real Property Program Administrator—Negotiating Party: Francia Family Living Trust—Under Negotiation: Price and Terms of Potential Acquisition of Real Property

6:30 P.M.-REGULAR SESSION (HELD IN THE COUNCIL CHAMBERS)

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Vice Mayor McAlister called the meeting to order at 6:38 p.m., and City Clerk Brewer led the Pledge of Allegiance.

2. ROLL CALL

Present: 7 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Inks, Councilmember Kasperzak, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

Mayor Clark participated by teleconference.

3. PRESENTATION

3.1 Mountain View Fire Department Good Citizen Commendation Award to Brent Peterson

This item was continued to a later date.

4. CONSENT CALENDAR

Councilmembers Inks and Siegel, and Vice Mayor McAlister registered no votes on Item 4.2, and Vice Mayor McAlister recused himself from acting on Item 4.9

Motion - M/S Kasperzak/Siegel - To approve the remaining items on the Consent Calendar, with Councilmembers Inks and Siegel, and Vice Mayor McAlister voting "No" on Item 4.2, and Vice Mayor McAlister recusing himself from acting on Item 4.9. The motion carried by the following vote:

Yes: 7 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Inks, Councilmember Kasperzak, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

4.1 Approval of Minutes.

Approve the Minutes for the Special Council Meeting of March 4, 2014.

4.2 1616 El Camino Real West Housing Project (Second Reading).

Adopt Ordinance No. 1.14 Amending the Zoning Map of the City of Mountain View for the Properties at 1616 El Camino Real West from the CRA (Commercial/Residential-Arterial) District to the P (Planned Community) District. (First reading: 4-3; McAlister, Siegel, Inks no)

Councilmembers Inks and Siegel, and Vice Mayor McAlister registered no votes on this item.

4.3 Fiscal Years 2013/2014 and 2014/2015 Transportation Development Act Article 3 Funding--Project Recommendation.

1. Adopt Resolution No. 17843 Authorizing the City Manager to Apply for the Allocation of Fiscal Year 2014/2015 Transportation Development Act Article 3 Pedestrian and Bicycle Project Discretionary Funding, to be read in title only, further reading waived.

2. Authorize the City Manager, or his designee, to execute all documents and agreements, and take all necessary actions related to the acceptance of Fiscal Years 2013/2014 and 2014/2015 Transportation Development Act Article 3 funding.

4.4 Appointment to Santa Clara Valley Transportation Authority Bicycle & Pedestrian Advisory Committee.

Approve the Council Transportation Committee recommendation to appoint Simon Purdon as the City of Mountain View's representative to the Santa Clara Valley Transportation Authority Bicycle & Pedestrian Advisory Committee for a two-year term beginning July 1, 2014 and ending June 30, 2016.

4.5 Utility Capacity and Alignment Engineering Studies - El Camino Real and San Antonio Change Areas, Project 14-48 - Authorize Design Professional Services Contract.

Authorize the City Manager to execute a standard design services contract with West Yost Associates (West Yost) of Davis in a not-to-exceed amount of \$173,464 to provide civil engineering services to prepare Utility Capacity and Alignment Engineering Studies - El Camino Real and San Antonio Change Areas, Project 14-48.

4.6 2011-12 Concrete Sidewalk and Curb Repair and Installation of ADA Curb Ramps, Phase VI, Projects 12-06 and 11-25 - Accept Construction.

Accept 2011-12 Concrete Sidewalk and Curb Repair and Installation of ADA Curb Ramps, Phase VI, Projects 12-06 and 11-25, and authorize final contract payment.

4.7 2545 West Middlefield Road - Accept Public Improvements, Tract 10116.

Accept the public improvements for the development at 2545 West Middlefield Road, Tract 10116, for the maintenance throughout their useful lives.

4.8 Alignment and Constructability Study for Replacement of Critical Utility Crossings at Highways 101 and 85, Project 12-38 - Authorize Design Professional Services Contract.

Authorize the City Manager to execute a standard design services contract with URS Corporation Americas of San Francisco in a not-to-exceed amount of \$107,750 to provide civil engineering services to prepare an Alignment and Constructability Study for Replacement of Critical Utility Crossings at Highways 101 and 85.

4.9 1344 Park Drive - Accept Public Improvements.

Accept public improvements for the development at 1344 Park Drive for maintenance throughout their useful lives.

Vice Mayor McAlister recused himself from acting on this item.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Stephanie Munoz expressed concerns with the development in the City and providing developers with rights that they may in turn sell.

Don Letcher read excerpts from a newspaper article regarding Sunshine Week, and he also expressed concerns with transparency in government.

Linda Curtis expressed concerns with the lack of transportation alternatives in the City of Mountain View, and she also presented information related to a neighborhood meeting she attended on Saturday regarding development and transportation issues.

Darlene Gonzalez expressed concerns with the relocation process for the property located on Tyrella Drive, which is a part of the Evandale development project.

Elena Pacheco presented information regarding the efforts she is making to support the undocumented community with regard to housing, and she expressed concerns with the difficulties experienced with finding low-income housing in the Mountain View community.

6. UNFINISHED BUSINESS

6.1 Adopt an Ordinance Adding Article V to Chapter 16 of the Mountain View City Code Related to Polystyrene Foam Food Service Ware (Second Reading).

Adopt an Ordinance of the City of Mountain View Adding Article V to Chapter 16 of the Mountain View City Code Related to Use of Polystyrene Foam Food Service Ware by Food Providers. (First reading: 4-2-1; Inks, McAlister no; Kasperzak absent)

Senior Administrative Analyst Palacio presented an oral staff report.

SPEAKING FROM THE FLOOR IN OPPOSITION TO THE ORDINANCE:

Don Letcher

MOTION - M/S - Siegel/Kasperzak - To adopt Ordinance No. 2.14 of the City of Mountain View Adding Article V to Chapter 16 of the Mountain View City Code Related to Use of Polystyrene Foam Food Service Ware by Food Providers. (First reading: 4-2-1; Inks, McAlister no; Kasperzak absent). The motion carried by the following vote:

Yes: 6 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Kasperzak, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

No: 1 - Councilmember Inks

6.2 Shoreline Athletic Fields, Project 11-33 - Authorize and Appropriate Additional Funds, Award Construction Contract, and Related Actions.

- 1. Authorize a transfer and appropriate \$4,640,000 to the Shoreline Athletic Fields Construction, Project 11-33, for a total project budget of \$15,100,000 from the Shoreline Community Fund. (Five votes required)**
- 2. Award a construction contract for the Shoreline Athletic Fields to the low bidder, O'Grady Paving, Inc., for the low bid price of \$11,170,947, which includes three additive alternates and a construction contingency of \$800,000.**
- 3. Authorize the City Manager to amend the engineering services agreement with Tetra Tech BAS for the Shoreline Athletic Fields Construction, Project 11-33, in the amount of \$300,000 for a total not-to-exceed fee of \$1,132,300.**
- 4. Authorize the City Manager to execute a construction inspection services contract with APC International for a not-to-exceed fee of \$180,000.**

Public Works Director Fuller presented an oral staff report and he, and City Manager Rich, responded to Council's questions.

SPEAKING FROM THE FLOOR IN OPPOSITION TO THE PROJECT:

Don Letcher

MOTION - M/S Kasperzak/Inks - To:

- **Reject all bids and authorize staff to rebid the project;**
- **Authorize and appropriate \$4,640,000 to the Shoreline Athletic Fields Construction Project, Project 11-33, for a total project budget of \$15,100,000 from the Shoreline Community Fund. (Five votes required);**
- **Authorize the City Manager to execute a contract with the lowest responsible bidder if the project is within the new budget;**
- **Authorize the City Manager to amend the engineering services agreement with Tetra Tech BAS for the Shoreline Athletic Fields Construction Project, Project 11-33 in the amount of \$300,000 for a total not-to-exceed fee of \$1,132,300; and**
- **Authorize the City Manager to execute a construction inspection services contract with APC International for a not-to-exceed fee of \$180,000.**

The motion carried by the following vote:

Yes: 7 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Inks, Councilmember Kasperzak, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

7. NEW BUSINESS

7.1

Potential Tenant Relocation Assistance Ordinance Amendments.

- 1. Discuss potential amendments to the Tenant Relocation Assistance Ordinance and choose preferred options.**
- 2. Direct staff to prepare an amended ordinance based on those preferred options.**
- 3. Refer the preferred amendments to the Environmental Planning Commission for their recommendation as required by Chapter 36 of the City Code.**

Administrative and Neighborhood Services Manager Lauzze presented an oral staff report and she, and City Attorney Quinn, responded to Council's questions.

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

Don Letcher

Jim Neal

Stephanie Munoz

Georgia Wolf

Job Lopez

Darlene Gonzalez

Jessica Epstein, representing the Silicon Valley Association of Realtors

Joshua Howard, representing the California Apartment Association

Vicki Prosek

MOTION - M/S Siegel/Kasperzak - To:

Direct staff to prepare an amended ordinance based on those preferred options, and refer the preferred amendments to the Environmental Planning Commission for their recommendation as required by Chapter 36 of the City Code, including addressing the sublet tenant and recognized relationships legal aspects. The motion carried by the following vote:

Yes: 6 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Kasperzak, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

No: 1 - Councilmember Inks

7.2 Introduce an Ordinance Cancelling a Development Agreement Between the City of Mountain View and San Antonio Station Owner, LLC, for the Property at 100 Mayfield Avenue.

(On February 26, 2014, the Zoning Administrator held a public hearing and at the conclusion of the hearing made a recommendation to the City Council to cancel the Development Agreement.)

Introduce an Ordinance Cancelling a Development Agreement Between the City of Mountain View and San Antonio Station Owner, LLC, for the Property at 100 Mayfield Avenue, to be read in title only, further reading waived, and set a second reading for April 8, 2014 (Attachment 1 to the Council Report).

Assistant City Attorney Chopra presented an oral staff report, and he, Community Development Director Tsuda and City Attorney Quinn, responded to Council's questions.

Seeing no one wishing to address Council on the item, Vice Mayor McAlister closed the public comment period.

MOTION - M/S Kasperzak/Inks - To introduce an Ordinance Canceling a Development Agreement between the City of Mountain View and San Antonio Station Owner, LLC, for the Property at 100 Mayfield Avenue, to be read in title only, further reading waived, and set a second reading for April 8, 2014 (Attachment 1 to the Council Report). The motion carried by the following vote:

Yes: 7 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Inks, Councilmember Kasperzak, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

8. COUNCIL, STAFF/COMMITTEE REPORTS

Councilmember Inks reported on his attendance last evening at the Expressway Policy Advisory Board meeting.

9. CLOSED SESSION REPORT - None.

At 9:15 p.m., Council recessed to the Study Session.

8:00 P.M.-STUDY SESSION OR IMMEDIATELY FOLLOWING THE REGULAR 6:30 P.M. SESSION (TO BE HELD IN THE PLAZA CONFERENCE ROOM)

1. CALL TO ORDER

Vice Mayor McAlister called the meeting to order at 9:33 p.m. Mayor Clark participated by teleconference.

2. ROLL CALL

Present: 7 - Councilmember Abe-Koga, Councilmember Bryant, Councilmember Inks, Councilmember Kasperzak, Councilmember Siegel, Vice Mayor McAlister, and Mayor Clark

3. STUDY SESSION

3.1 Preliminary Review of Fiscal Year 2014-15 through 2018-19 Capital Improvement Program Projects Eligible for Park Land Dedication Funding.

The purpose of this Study Session is to obtain City Council input to guide staff in the preparation of a proposed list of projects that are eligible to receive Park Land Dedication (PLD) funding for inclusion in the Proposed Fiscal Year 2014-15 through 2018-19 Capital Improvement Program (CIP). Based on Council direction, proposed CIP projects will be presented to the Parks and Recreation Commission (Commission) in April for a recommendation to Council that will be brought back with the full CIP in May 2014.

Community Services Director de la montaigne presented an oral staff report and he, City Manager Rich, Public Works Director Fuller and Finance and Administrative Services Director Kong, responded to Council's questions.

Seeing no one wishing to address the Council on the item, Vice Mayor McAlister closed the public comment period.

ADJOURNMENT - At 10:21 p.m., Mayor Clark adjourned the meeting to the next Special Council Meeting to be held on Tuesday, April 1, 2014 in Council Chambers, located on 500 Castro Street.