



## AGENDA

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### NOTICE AND AGENDA

SPECIAL MEETING - TUESDAY, DECEMBER 3, 2013

CITY HALL - 500 CASTRO STREET

5:30 P.M. – STUDY SESSION

6:30 P.M. – REGULAR SESSION

[Staff Report](#)

#### **5:30 P.M. – STUDY SESSION (TO BE HELD IN THE PLAZA CONFERENCE ROOM)**

1. **CALL TO ORDER**
2. **ROLL CALL** – Councilmembers Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice Mayor Clark, and Mayor Inks.
3. **STUDY SESSION**
  - 3.1 **COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND OTHER RELATED REPORTS FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

The City Council will hear a presentation and discuss comments by staff and Ms. Katherine Yuen of Maze & Associates (Maze), the City's external auditors, regarding the City's financial audit and Comprehensive Annual Financial Report and other related reports for Fiscal Year 2012-13.

#### **3.2 CITY AUDITOR'S ANNUAL REPORT FOR FISCAL YEAR 2012-13**

The City Council will hear a report from the City's Auditor for Fiscal Year 2012-13 and a proposed work plan for Fiscal Year 2013-14.

#### **6:30 P.M. – REGULAR SESSION (TO BE HELD IN THE COUNCIL CHAMBERS)**

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

2. **ROLL CALL**—Councilmembers Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice Mayor Clark, and Mayor Inks.

3. **PRESENTATION**

3.1 Assembly Member Gordon’s Update on the 2013 Legislative Year in Sacramento

4. **CONSENT CALENDAR**

These items will be approved by one motion unless any member of the Council or audience wishes to remove an item for discussion. The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.

4.1 **APPROVAL OF MINUTES**— Approve minutes for the:  
(1) City Council Regular Meeting of November 12, 2013.

4.2 **ANNUAL REPORT OF THE INVESTMENT REVIEW COMMITTEE FOR FISCAL YEAR 2012-13**— Accept the Annual Report of the Investment Review Committee for Fiscal Year 2012-13.

4.3 **FISCAL YEAR 2012-13 ANNUAL REPORT OF PARK LAND DEDICATION, DOWNTOWN PARKING IN-LIEU, BELOW-MARKET-RATE HOUSING, HOUSING IMPACT, AND RENTAL HOUSING IMPACT FUNDS**

1. Park Land Dedication Fund

a. Acknowledge and file the annual Park Land Dedication Fund report for the period ending June 30, 2013.

2. Downtown Parking In-Lieu Fund

a. Acknowledge and file the annual Downtown Parking In-Lieu Fund report for the period ending June 30, 2013.

3. Below-Market-Rate Housing Fund

a. Acknowledge and file the annual Below-Market-Rate Housing Fund report for the period ending June 30, 2013.

- b. **Resolution No. \_\_\_\_\_** – Adopt A RESOLUTION APPROVING THE RETENTION OF BELOW-MARKET-RATE (BMR) HOUSING FEES COLLECTED AND HELD IN EXCESS OF FIVE YEARS IN ORDER TO FUND AFFORDABLE HOUSING PROJECTS IN MOUNTAIN VIEW, to be read in title only, further reading waived (Attachment 1 to the Council report).

4. Housing Impact Fund

- a. Acknowledge and file the annual Housing Impact Fund report for the period ending June 30, 2013.
- b. **Resolution No. \_\_\_\_\_** – Adopt A RESOLUTION APPROVING THE RETENTION OF HOUSING IMPACT FEES COLLECTED AND HELD IN EXCESS OF FIVE YEARS IN ORDER TO FUND AFFORDABLE HOUSING PROJECTS IN MOUNTAIN VIEW, to be read in title only, further reading waived (Attachment 2 to the Council report).

5. Rental Housing Impact Fund

- a. Acknowledge and file the annual Rental Housing Impact Fund report for the period ending June 30, 2013.

4.4 **ACCEPTING CITY OF MOUNTAIN VIEW COMPREHENSIVE ANNUAL FINANCIAL REPORT AND VARIOUS OTHER RELATED REPORTS**

Accept, acknowledge, and file the following financial and independent auditors' reports pertaining to Fiscal Year 2012-13:

- City of Mountain View Comprehensive Annual Financial Report and Independent Auditor's Report.
- Single Audit Report.
- Confirmation Report of Appropriations Limit Calculation.
- Bicycle/Pedestrian Projects.

- Memorandum on Internal Control and Required Communications from Independent Auditors.

These reports are not attached as they were distributed to Council with the Study Session report for the meeting right before this one. They are available for public review in the City Clerk's Office, the Library, and on the Council Agenda page of the City's website at: [www.mountainview.gov](http://www.mountainview.gov).

- 4.5 UPDATE HUMAN RELATIONS COMMISSION DEFINING VALUES—**  
The Human Relations Commission recommends that the City Council update the Commission's defining values by replacing the value of "tolerance" with the value of "respect."
- 4.6 NOTICE OF INTENTION TO VACATE CITY-OWNED PROPERTY: PORTIONS OF STIERLIN ROAD AND WASHINGTON ALLEY; APPROVAL OF PURCHASE AND SALE AGREEMENT**
1. Authorize the City Manager to execute a Purchase and Sale Agreement with Walter Berthold Kozourek and Renate Kozourek, co-trustees of The Kozourek Trust created by Declaration of Trust April 27, 1984, for the sale of 9,593 square feet of City right-of-way being portions of Stierlin Road and Washington Alley near the northwest corner of Moffett Boulevard and Central Expressway at a sale price of \$1,438,950, subject to the approval of the proposed apartment project at 100 Moffett Boulevard.
  2. Allocate the proceeds of the sale of the City-owned property to the City's Open Space Reserve Fund.
  3. **Resolution No. \_\_\_\_**—Adopt A RESOLUTION OF INTENTION TO VACATE A PORTION OF PUBLIC STREET RIGHT-OF-WAY ON WASHINGTON ALLEY AND STIERLIN ROAD, to be read in title only, further reading waived, and set a date for a Public Hearing to consider the vacation for January 21, 2014 (Attachment 1 to the Council report).
- 4.7 2014 COUNCIL MEETING SCHEDULE—**Confirm the schedule for City Council meetings and Study Sessions for the 2014 calendar year.

#### 4.8 APPOINTMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION

1. **Resolution No. \_\_\_\_** – Adopt A RESOLUTION REAPPOINTING ELLEN KAMEI AND LISA MATICHAK TO THE ENVIRONMENTAL PLANNING COMMISSION, to be read in title only, further reading waived (Attachment 1 to the Council report).

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

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. Speakers are allowed to speak on any number of topics for one three-minute period during the meeting. State law prohibits the Council from acting on nonagenda items.

#### 6. PUBLIC HEARINGS

##### 6.1 100 MOFFETT BOULEVARD RESIDENTIAL DEVELOPMENT

1. Adopt the Mitigated Negative Declaration for the 100 Moffett Boulevard residential development in accordance with the California Environmental Quality Act (Attachment 1 to the Council report).
2. Introduce AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MOUNTAIN VIEW FOR THE PROPERTY AT 100 MOFFETT BOULEVARD FROM THE CRA (COMMERCIAL/RESIDENTIAL-ARTERIAL) DISTRICT TO THE P (PLANNED COMMUNITY) DISTRICT, to be read in title only, further reading waived, and set a second reading for December 10, 2013 (Attachment 2 to the Council report).
3. **Resolution No. \_\_\_\_** – Adopt A RESOLUTION CONDITIONALLY APPROVING A PLANNED COMMUNITY PERMIT FOR A 184-UNIT, TWO- TO FOUR-STORY RESIDENTIAL DEVELOPMENT, AND A HERITAGE TREE REMOVAL PERMIT TO REMOVE 14 HERITAGE TREES AT 100 MOFFETT BOULEVARD, to be read in title only, further reading waived (Attachment 3 to the Council report).

**6.2 ORDINANCE TO REPEAL CHAPTER 36 (ZONING ORDINANCE) AND ADD A NEW CHAPTER 36**

Introduce AN ORDINANCE TO REPEAL CHAPTER 36 (ZONING ORDINANCE) IN ITS ENTIRETY AND ADD A NEW CHAPTER 36 TO THE MOUNTAIN VIEW CITY CODE, to be read in title only, further reading waived, and set second reading for December 10, 2013 (Attachment 1 to the Council report).

**7. NEW BUSINESS**

**7.1 NASA-AMES BAYSHORE LIGHT RAIL STATION PEDESTRIAN ACCESS STUDY, PROJECT 09-29**

Approve a combination of Alternatives A1 and B1 to improve pedestrian and bicycle access between the Bayshore/NASA Light Rail Transit (LRT) Station and the North Whisman area.

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

No action will be taken on any questions raised by the Council at this time.

**9. CLOSED SESSION REPORT (OPEN SESSION)**

## 10. ADJOURNMENT

The next Regular Council Meeting will be held on Tuesday, December 10, 2013, at 6:30 p.m. in the Council Chambers, 500 Castro Street.

### NOTICE

There is a 90-day limit for the filing of a challenge in Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting. For information on the next regular or special City Council meeting, please call (650) 903-6304.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, 500 Castro Street, Third Floor, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting. In addition, such writings and documents will be posted on the City's website at [www.mountainview.gov](http://www.mountainview.gov).

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### COUNCIL MEETINGS AND AGENDA

- The City Council meets regularly on the second and fourth Tuesday of each month at 6:30 p.m. in the Council Chambers at City Hall, 500 Castro Street, Second Floor. Special meetings are called as necessary by the Mayor and noticed at least 24 hours in advance.
- Interested parties may review the agenda, minutes and staff reports at the Mountain View Library, 585 Franklin Street, beginning the Thursday evening before each meeting and at the City Clerk's Office, 500 Castro Street, Third Floor, beginning Friday morning. Agenda materials may also be viewed electronically at [www.mountainview.gov](http://www.mountainview.gov). Staff reports are also available at the Council Chambers during the meeting.
- SPECIAL NOTICE—Reference: Americans with Disabilities Act, 1990. Anyone who is planning to attend the next City Council meeting who is visually or hearing-impaired or has any disability that needs special assistance should call the City Clerk's Office at 903-6304 48 hours in advance of the Council meeting to arrange for assistance. Upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed during the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.
- The Council meetings are cablecast live on Channel 26 on the Mountain View Comcast cable system and are replayed on Wednesday at 6:30 p.m. and on Saturday at 11:00 a.m. following that week's Council meeting. If there is a live Environmental Planning Commission meeting on a Wednesday, the replay of the City Council meeting will be on a Thursday at 6:30 p.m. In addition, Council Regular meetings are webcasted, and interested persons may visit the City's website at [www.mountainview.gov](http://www.mountainview.gov) to watch the meetings live on their computer, laptop or PDA device. Archived broadcasts of previous meetings may also be accessed and watched on-line.
- The Council may take action on any matter noticed herein, and their consideration and action on the matters noticed herein is not limited by the recommendations indicated in the Agenda or staff report(s). The Council may consider and act on items listed on the agenda in any order and thus all those interested in an item listed on the agenda are advised to be present throughout the meeting (see Policy and Procedure A-13). The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.
- By policy, no new items of business will be started after 10:00 p.m., unless an exception is made by vote of the Council.

### ADDRESSING THE COUNCIL

- Interested persons are entitled to speak on any action item listed on the agenda and are requested to fill out the blue cards available at the rear of the Council Chambers and deposit them with the clerk or at the podium as soon as completed. This will assure that your name and city of residence are accurately recorded in the minutes and that your interest in speaking is recognized. If you wish to speak and are not recognized by the Mayor, please approach the podium prior to completion of discussion on the item. Speakers are allowed up to three minutes each, and if a large group wishes to express its views, it is more effective to have one spokesperson.
- Items on the "Consent Calendar" are not discussed individually but are approved as a group with one motion. If a citizen wishes to speak on an item on the Consent Calendar, he or she may come to the podium at the time announced by the Mayor and request that the item be pulled for discussion by the Council.
- Anyone wishing to address the Council on a nonagenda item may do so during the "Oral Communications" part of the agenda. Speakers are allowed to speak one time on any number of topics for up to three minutes.
- Reducing Time For Public Input: For any single agenda item and for Oral Communications from the Public, if there appears to be 15 or more speakers and the Council might not be able to conclude the scheduled agenda items for the meeting if speakers were allotted three (3) minutes each, the Mayor may reduce speaking time to no less than two (2) minutes per speaker unless there is an objection from Council, in which case majority vote shall decide the issue without debate.