

NOTICE AND AGENDA

REGULAR MEETING – TUESDAY, JANUARY 25, 2011

CITY HALL – 500 CASTRO STREET

5:00 P.M.—CLOSED SESSION

5:15 P.M.—STUDY SESSION

6:30 P.M.—REGULAR SESSION

5:00 P.M.—CLOSED SESSION (TO BE HELD IN THE PLAZA CONFERENCE ROOM)

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

2. CLOSED SESSION

2.1 Conference with Legal Counsel—Anticipated Litigation—Significant Exposure to Litigation Pursuant to §54956.9(b)—One (1) Potential Case

5:15 P.M.—STUDY SESSION (TO BE HELD IN THE PLAZA CONFERENCE ROOM)

1. CALL TO ORDER

2. ROLL CALL—Councilmembers Abe-Koga, Bryant, Inks, Macias, Means, Vice Mayor Kasperzak and Mayor Siegel.

3. STUDY SESSION

3.1 POTENTIAL REQUEST FOR PROPOSALS—SHORELINE GOLF LINKS

The purpose of the Study Session is to provide an update on the financial status of Shoreline Golf Links and to seek Council direction regarding potential Request for Proposals (RFP) for the management, maintenance and operation of the golf course.

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, Inks, Macias, Means, Vice Mayor Kasperzak and Mayor Siegel.

3. PRESENTATIONS

- 3.1 Resolution of Appreciation to Jan Priefer for her contributions to the Library Board and the community
- 3.2 Resolution of Appreciation to Randall Stock for his contributions to the Library Board and the community
- 3.3 National Blood Donor Month Proclamation to be accepted by American Red Cross Donor Recruitment Account Manager Mona Helmhold
- 3.4 Virtual Consolidation of Dispatch Services with Cities of Los Altos and Palo Alto to be presented by Scott S. G. Vermeer, Police Chief/ Acting Assistant City Manager for Public Safety

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 City Council Special Meetings of November 22 and December 7, 2010; January 4 8:45 a.m. and 6:30 p.m., 2011.

4.2 **Resolution No. _____—RESOLUTION OF APPRECIATION—CONTRIBUTIONS OF JAN PRIEFER, LIBRARY BOARD MEMBER**—Adopt A RESOLUTION OF APPRECIATION TO JAN PRIEFER FOR HER CONTRIBUTIONS TO THE LIBRARY BOARD OF TRUSTEES AND THE COMMUNITY, to be read in title only, further reading waived.

4.3 **Resolution No. _____—RESOLUTION OF APPRECIATION—CONTRIBUTIONS OF RANDALL STOCK, LIBRARY BOARD MEMBER**—Adopt A RESOLUTION OF APPRECIATION TO RANDALL STOCK FOR HIS CONTRIBUTIONS TO THE LIBRARY BOARD OF TRUSTEES AND THE COMMUNITY, to be read in title only, further reading waived.

4.4 Resolution No. _____—STREET CLOSURE, SOUND AMPLIFICATION AND FESTIVAL AREA DESIGNATION FOR THE 33RD ANNUAL DOWNTOWN PARADE

1. Adopt A RESOLUTION TO APPROVE THE CLOSURE OF CERTAIN STREETS IN THE DOWNTOWN AREA ON SATURDAY, APRIL 23, 2011, FROM 7:00 A.M. TO 2:00 P.M., FOR THE 33RD ANNUAL DOWNTOWN PARADE, to be read in title only, further reading waived.
2. Approve the operation of a sound amplification device by the applicant between 11:00 a.m. and 4:00 p.m. within the festival area, under conditions as specified.
3. Approve a festival area designation for the area of street closure and Pioneer Park.

4.5 Resolution No. _____—STREET CLOSURE, SOUND AMPLIFICATION, FESTIVAL AREA DESIGNATION AND ANIMAL BAN FOR A LA CARTE AND ART IN MOUNTAIN VIEW

1. Adopt A RESOLUTION APPROVING THE CLOSURE OF CERTAIN STREETS IN THE DOWNTOWN AREA FROM 2:00 A.M., SATURDAY, MAY 21, 2011, TO 10:00 P.M., SUNDAY, MAY 22, 2011, FOR THE A LA CARTE AND ART FESTIVAL IN MOUNTAIN VIEW, to be read in title only, further reading waived.
2. Approve the operation of a sound amplification device by the applicant between 9:00 a.m. and 6:00 p.m. on Saturday, May 21, 2011, and Sunday, May 22, 2011, within the festival area, under conditions as specified.
3. Approve a festival area designation for the area of the street closure.
4. Approve an animal ban as requested by the applicant within the festival area designation.

4.6 AVENIDAS SENIOR DAY-CARE CENTER—GROUND LEASE

AMENDMENT—Authorize the City Manager, or his designee, to amend the ground lease between the City of Mountain View and Avenidas for a senior day-care facility.

4.7 2008-09 MISCELLANEOUS WATER AND SEWER MAIN REPLACEMENT, PROJECTS 09-21 AND 09-22—AWARD CONSTRUCTION CONTRACT

1. Award the construction contract for the 2008-09 Miscellaneous Water and Sewer Main Replacement, Projects 09-21 and 09-22, to California Trenchless, Inc. of Hayward for the low bid price of \$1,697,675.
2. Transfer and appropriate \$75,000 from the 2006-07 Miscellaneous Water Main Replacement, Project 07-26, to the 2008-09 Miscellaneous Water Main Replacement, Project 09-21. (Five votes required)

4.8 COMMUNITY CENTER HVAC SYSTEM, PROJECT 07-34—APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE BIDDING

1. Approve plans and specifications for Community Center HVAC System, Project 07-34, and authorize staff to advertise for bids.
2. Authorize the City Manager to award a construction contract to the lowest responsible bidder if the bid is within the project estimate.

4.9 Resolution No. _____—EXPLORATION OF SHARED SERVICES WITH OTHER CITIES—Adopt A RESOLUTION REGARDING THE EXPLORATION OF CONSOLIDATED AND/OR SHARED SERVICES AND ASSETS BETWEEN THE CITIES OF PALO ALTO, SUNNYVALE, MOUNTAIN VIEW AND LOS ALTOS, to be read in title only, further reading waived.

4.10 APPROVAL OF CITY CLERK'S EMPLOYMENT AGREEMENT—Approve the City Clerk's employment agreement.

4.11 MEMORANDUM OF UNDERSTANDING WITH COUNTY OF SANTA CLARA—RETROFIT BAY AREA ENERGY UPGRADE PROGRAM—Authorize the City Manager to execute a Memorandum of Understanding (MOU) with the County of Santa Clara that identifies \$343,000 of the City's \$719,000 in Energy Efficiency and Conservation Block Grant (EECBG) as leveraged funding in support of the County's participation in the Retrofit Bay Area program.

5. **PUBLIC HEARINGS—**None.
6. **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.

7. UNFINISHED BUSINESS

7.1 CONSIDERATION OF CITY-OWNED PROPERTIES FOR AFFORDABLE HOUSING AND COMPOSITION OF THE NOFA COMMITTEE

1. Authorize staff to issue a Notice of Funding Availability (NOFA) for affordable housing that does not include City-owned properties; and
2. Authorize an Ad Hoc NOFA Committee and provide staff with direction regarding the composition of the NOFA Committee.

8. NEW BUSINESS

**8.1 RESIDENTIAL ENERGY ASSESSMENT AND UPGRADE PROGRAM—
AUTHORIZE PROFESSIONAL SERVICES AGREEMENT**

Authorize the City Manager to execute a professional services agreement with High Energy Audits of Los Altos Hills, California, to design and implement a residential energy assessment and upgrade program, for a total not-to-exceed fee of \$319,000.

8.2 OPEN LETTER REGARDING HIGH-SPEED RAIL PROJECT

Authorize the Mayor, on behalf of the City Council, to send the open letter regarding the California High-Speed Rail Project as recommended by the Council High-Speed Rail Committee.

8.3 YOUTH ACTION PLAN REVIEW AND ADOPTION

To recommend the City Council adopt the Youth Action Plan.

9. COUNCIL, STAFF/COMMITTEE REPORTS

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

10. CLOSED SESSION REPORT (OPEN SESSION)

11. ADJOURNMENT

The next Regular Council Meeting will be held on Tuesday, February 8, 2011, 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 web site at 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. 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 web site at 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.
- The City Council meeting discs are made solely for the purpose of facilitating the preparation of the minutes of the meetings. The discs are available for members of the public to listen to during regular office hours in the City Clerk's Office and are recycled as necessary.

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.



AGENDA: January 25, 2011

4.11

CATEGORY: Consent

DEPT.: Public Works

TITLE: Memorandum of Understanding with
County of Santa Clara—Retrofit Bay Area
Energy Upgrade Program

RECOMMENDATION

Authorize the City Manager to execute a Memorandum of Understanding (MOU) with the County of Santa Clara that identifies \$343,000 of the City's \$719,000 in Energy Efficiency and Conservation Block Grant (EECBG) as leveraged funding in support of the County's participation in the Retrofit Bay Area program.

FISCAL IMPACT

Approximately \$3,000 of City staff time would be required to coordinate with the County, and that staff time would be funded from the City's EECBG grant. There is no other fiscal impact to the City.

BACKGROUND AND ANALYSIS

The Association of Bay Area Governments (ABAG) was awarded \$10.75 million in State Energy Program (SEP) grant funding in February 2010 to develop and implement Retrofit Bay Area, a program to provide outreach and information to Bay Area homeowners and renters wishing to perform energy- and water-efficiency upgrades.

The \$10.75 million will pay for regional and local program development and implementation, program evaluation, program result measurement and verification, and administration and reporting costs. ABAG allocated the \$10.75 million among Bay Area counties, with Santa Clara County receiving \$1.9 million for its Santa Clara County Residential Retrofit Program (SCCRRP).

As part of the SEP grant and Retrofit Bay Area program, ABAG has requested participating counties show leveraged funding from local governments by entering into MOUs with cities using EECBG funding for related programs. Mountain View's \$343,000 EECBG-funded residential energy assessment and upgrade program qualifies, and the County has requested that the City execute the attached MOU (Attachment 1). Award of a professional services contract to High Energy Audits for the City's program is also on Council's agenda for January 25, 2010. The recommended MOU identifies the City's program and associated funds as the City's contribution in support of the SCCRRP.

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The County has executed similar MOUs with Sunnyvale, Cupertino, Monte Sereno and Los Altos Hills.

Under the terms of the MOU:

- The SCCRRP will market the benefits of home energy and water retrofits/upgrades to homeowners in Mountain View, such as the rebates and incentives available through the State's Energy Upgrade California program.
- The City and County will collaboratively develop an energy upgrade pilot program targeted at multi-family property owners in Mountain View. Through this program, a limited number of rebates will be available to multi-family property owners to make energy efficiency upgrades to their buildings. The total value of these rebates would be \$10,000 and would be funded through the City's program as part of the recommended agreement with High Energy Audits.
- The City and County will coordinate to ensure the City's and County's programs are mutually supportive.
- The County will support the City's efforts by providing outreach materials and/or contact information for property owners.
- The City will report the results of its program to the County.

By executing the MOU and working with the County on these related programs, the City can help maximize the effectiveness of both programs.

ALTERNATIVES

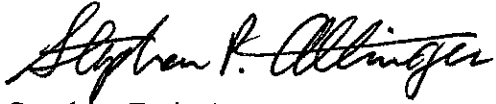
If Council does not approve the MOU, Mountain View residents would not be targeted by the County's program, and the County would have to revise expectations for the ABAG grant to reflect the lack of participation by Mountain View.

AGENDA: January 25, 2011

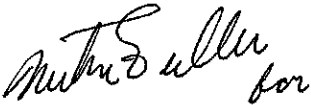
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PUBLIC NOTICING—Agenda posting.

Prepared by:

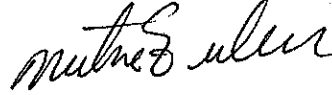


Stephen P. Attinger
Environmental Sustainability Coordinator



Linda Forsberg
Business and Internal Services Manager

Approved by:



Michael A. Fuller
Public Works Director



Kevin C. Duggan
City Manager

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Attachment: 1. Draft MOU with County of Santa Clara

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN THE COUNTY OF SANTA CLARA
AND THE CITY OF MOUNTAIN VIEW
REGARDING USE OF LEVERAGED FUNDS IN THE GRANT-FUNDED
REGIONAL RETROFIT BAY AREA ENERGY UPGRADE PROGRAM**

This Memorandum of Understanding ("MOU") shall be effective as of January 25, 2011 ("Effective Date"), by and between the County of Santa Clara ("Santa Clara County") and the City of Mountain View ("City").

Recitals

WHEREAS, the City acknowledges and agrees that it is familiar with the Retrofit Bay Area: Comprehensive Residential Building Retrofit Program ("Program") sponsored by the Association of Bay Area Governments ("ABAG") and funded under Grant Agreement 400-09-021 ("Funding Agreement") between the California Energy Commission Energy Resources Conservation and Development Commission ("CEC") and ABAG; and

WHEREAS, the Program includes the commitment of "Leveraged Funds," which is described as follows: "Retrofit Bay Area will leverage a diverse range of funds, including limited-term opportunities such as Energy Efficiency and Conservation Block Grant ("EECBG") formula grant funds, State Energy Program ("SEP") 401 funds, California Clean Energy Workforce Training Grants, foundation funding, and in-kind staff time and resources. More importantly, Retrofit Bay Area will leverage potential long-term sources to maximize sustainability, including utility incentives and private investment"; and

WHEREAS, the County is a subawardee under the Grant Agreement 400-09-021 and, as such, is required to document its access to and use of "Leveraged Funds"; and

WHEREAS, this MOU partially fulfills the requirement described above; and

WHEREAS, the County will use the resources described in this MOU to support the Program in accordance with the terms of the Funding Agreement and its subaward agreement with ABAG;

NOW THEREFORE, in consideration of their mutual promises and agreements, and subject to the terms, conditions and provisions hereinafter set forth, the parties agree as follows:

1. **TERM.**

This MOU shall commence on the Effective Date and expire upon completion or termination of the Program, whichever is earlier.

2. **ROLES AND RESPONSIBILITIES OF THE COUNTY AND CITY.**

A. The County shall participate in the regional Bay Area Retrofit Program managed by ABAG and funded by a grant from the California Energy Commission and will provide a comprehensive marketing program to promote energy audits and retrofits to the residential community. The County will work cooperatively with the City to do a multi-family residential energy efficiency program in Mountain View and will coordinate with the City to ensure that the County-wide program and the City program are integrated and symbiotic, in order to enhance the effectiveness of both programs.

B. The City shall provide Leveraged Funds in support of the Program as follows:

Type of Leveraged Fund:
EECBG funding

Value of Leveraged Fund:
\$343,000

Contribution to Program Success:

The City of Mountain View is using the leveraged funding to provide: (1) a multi-family energy efficiency program, and (2) outreach and incentives for residents to perform energy efficiency assessments and upgrades. The materials for these programs will encourage residents to also participate in the County program and rebates.

Workforce Development:

The goal of the City's energy program is to provide education and incentives for residents to reduce energy consumption and greenhouse gas emissions, which will help create jobs in the residential efficiency marketplace.

Coordination:

As part of its overall residential energy assessment and upgrade program, the City shall partner with the County on a pilot program that addresses energy efficiency in multi-family housing. The City's overall program shall be developed through a Request for Proposals ("RFP") process conducted in the fall of 2010 and the County will support the City's efforts by providing outreach materials and/or contact information for property owners, as appropriate, through utilizing residential retrofit grant funding from ABAG and the CEC.

The City will provide additional residential energy efficiency incentives beyond the multi-family pilot program, and the City shall ensure that the results of all programs paid for with leveraged funding are reported to the County in a timely manner, in order for the County to include this information in grant reporting for the Program. The City shall cooperate with the County to ensure that the County-wide program and the City program are integrated and symbiotic, in order to enhance the effectiveness of both programs.

The City shall immediately notify the County of Santa Clara in writing if the City decides to limit, suspend or cease the provision of any portion of the Leveraged Funds.

3. GOVERNING LAW.

The law governing this MOU shall be that of the State of California.

4. NOTICES.

All notices and other communications required or permitted to be given under this MOU shall be in writing and shall be personally served or delivered by overnight service, addressed to the respective parties as follows:

To County: Ms. Sharlene Carlson
Community Energy Program Manager
Santa Clara County Office of Sustainability
70 West Hedding Street, East Wing, 11th Floor
San Jose, CA 95110

To City: Steve Attinger
Environmental Sustainability Coordinator
City of Mountain View
500 Castro Street
Mountain View, CA 94041

5. VENUE.

In the event that suit shall be brought by any party to this contract, the parties agree that venue shall be exclusively vested in the states courts of the County of Santa Clara, or if Federal jurisdiction is appropriate, exclusively in the United States District Court, Northern District of California, San Jose, California.

6. NO WAIVER.

No waiver by any party to this MOU of any breach or violation of any term or condition of this MOU shall be deemed to be a waiver of any other term or condition contained herein or a waiver of any subsequent breach or violation of the same or any other term or condition.

7. MISCELLANEOUS PROVISIONS.

A. If any term, condition or covenant of this MOU is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this MOU shall be valid and binding on the parties.

B. This MOU may be executed in counterparts and shall be binding as executed.

C. All changes or extensions to this MOU must be in writing in the form of an amendment approved by all parties.

D. This MOU is entered into only for the benefit of the parties executing this MOU and not for the benefit of any other individual, entity or person.

8. INDEMNIFICATION.

In lieu of and notwithstanding the pro rata risk allocation, which might otherwise be imposed between the parties pursuant to Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party that are in any way related to this MOU shall not be shared pro rata but, instead, the parties agree that, pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined in Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, employees, or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this MOU. No party, nor any officer, board member or agent thereof shall be responsible for any damage or liability

occurring by reason of the negligent acts or omissions or willful misconduct of another party hereto, its officers, board members, employees or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other party under this MOU.

IN WITNESS WHEREOF, the parties have executed this MOU.

CITY OF MOUNTAIN VIEW

COUNTY OF SANTA CLARA

APPROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

Public Works Director

Emily Harrison, Deputy County Executive

Date: _____

Date: _____

APPROVED AS TO FORM AND
LEGALITY:

APPROVED AS TO FORM AND
LEGALITY:

City Attorney

Deputy County Counsel

Date: _____

Date: _____

CITY:

City Manager

Date: _____

SPA/5/PWK
916-01-13-11MOU-E^

