



**Meeting Minutes
City Council**

Steve Tate - Mayor
Larry Carr - Mayor Pro Tem
Rich Constantine - Council Member
Caitlin Jachimowicz - Council Member
Rene Spring - Council Member

Wednesday, March 15, 2017 6:30 PM

**Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037**

SPECIAL/REGULAR MEETING

(6:30 P.M. Closed Session / 7:00 P.M. Regular Meeting)

A Special Meeting of the City Council was called at 6:30 p.m. for the purpose of conducting a closed session.

TELECONFERENCE

Mayor Tate participated in the meeting via teleconference as follows:

Mayor Steve Tate
4610 North 68th Street, Unit 438
Scottsdale, AZ 85251

Public comment from the Arizona location was allowed.

SPECIAL MEETING

6:30 P.M.

CALL TO ORDER

Mayor Pro Tem Carr called the special meeting to order at 6:30 p.m.

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
Steve Tate	Mayor	Remote	
Larry Carr	Mayor Pro Tem	Present	
Rich Constantine	Council Member	Present	
Caitlin Jachimowicz	Council Member	Present	
Rene Spring	Council Member	Present	

DECLARATION OF POSTING AGENDA

Deputy City Clerk Michelle Wilson declared the posting of the agenda.

CLOSED SESSION

City Attorney Donald Larkin read the closed sessions into the record.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 6:32 p.m.

Hearing no requests to speak, the public comment was closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:32 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to: Government Code Section 54956.9(d)(4)

Number of Cases: One (1)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Authority: Pursuant to Government Code Section 54956.9(d)(1)

Case Name: The Bank of New York Mellon v. City of Morgan Hill, et al.

Case Number: Santa Clara County Superior Court Case No. 1-15-CV-279257

REGULAR MEETING

7:00 P.M.

CALL TO ORDER

Mayor Pro Tem Carr called the regular meeting to order at 7:01 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring spoke regarding the City Council assignments. He announced that he will share the link to the document once it is posted on the City's website. He encouraged the community to reach out to the Council if they have any questions. He spoke regarding the letter that the Santa Clara County Police Chiefs Association released and applauded Chief Swing and the other Police Chiefs for coming forward and supporting the community.

CITY MANAGER'S REPORT

City Manager Steve Rymer recognized the following teammates for receiving recognition at the California Park and Recreation Society Awards (CPRS); Derek Bowman and Jennie Tucker received professional merit awards, Narazem Ahmed received the volunteer citation award for her work in supporting our Youth Action Council as well as our Senior Citizens Ball, the Friends of the Morgan Hill Senior Center received the volunteer citation, and the El Toro Social Club won the award of excellence for being a new program.

He spoke regarding a new power source that will soon be coming to Morgan Hill's businesses and residents called Silicon Valley Clean Energy Authority. This is an organization that was established along with many of the cities in Santa Clara County to procure clean power and energy. Starting in April for some and the rest in July, you will now start to receive your power through this source. Your bill will still come from PG&E; however, you will be buying clean power. You will also have an opportunity to buy greener power if you would like by opting up and paying a small difference in price. The City has already decided that 100% of our power will be clean and greener power. You will receive several different flyers in the mail. There will be a community information meeting on Thursday, March 23rd at 7:00 p.m. here in the Council Chamber if you are interested in learning more. You can also find a plethora of information on their website; svcleanenergy.org.

City Manager Steve Rymer talked about ways to conserve water in a permanent fashion. Over the next couple months, the City teammates will have a dialogue with the City Council about setting a new baseline for what consumption is daily here in Morgan Hill. He reminded the community that the restrictions on water usage are still in place, though as we move into April we will be able to water three days a week. If you have an odd numbered address it is Mondays, Thursdays, and Saturdays. If you have an even numbered address it is Tuesdays, Fridays, and Sundays. We do ask that you limit your water if possible and only water when necessary so that we can continue Morgan Hill's great example of water conservation.

He concluded by announcing the evening's supplements and presentations.

He invited Police Chief David Swing to share the letter that the Santa Clara County Police Chief's Association (SCPCA) released.

Police Chief David Swing spoke regarding the press conference that took place in San Jose on Tuesday regarding immigration. He stated what is contained in the letter and that how they have done their jobs and served the community has not changed and will not change moving forward. The letter is intended to reassure the community about the role of local law enforcement on immigration related matters. Santa Clara County law enforcement agencies have no intention or desire to become enforcers of federal immigration law. He concluded by reading the letter for the community.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced the reportable action from closed session that took place earlier in the meeting. He shared that the City Council authorized the City Attorney to join the matter of Santa Clara County vs. Donald J. Trump et al US District Court for the Northern District of California, Case Number 17CV00574 as an amicus party by a unanimous vote. This is the executive order on immigration that the President issued several weeks ago. The lawsuit is regarding a provision in the order over sanctuary cities. The City of Morgan Hill is not a sanctuary city. It is not the role of local law enforcement to enforce immigration policy nor is it legal for them to do so. The concern and the reason that the City is joining the lawsuit is that the order is vague and may have a disproportionate impact on the neediest members of our community. He announced that there was no reportable action on the other item.

OTHER REPORTS

None.

PROCLAMATIONS

Mayor Pro Tem Carr presented the proclamations.

Proclaiming the week of March 20, 2017 as Science Fair Week
Forrest Williams, Board Member, Santa Clara Valley Science and Engineering Fair Association

Proclaiming the Month of March 2017 as American Red Cross Month
Mohammed "Mo" Ghandehari, Silicon Valley Chapter

Proclaiming the Month of March 2017 as Arts Education Month
Sharon Dahnert, Artspiration Program, Santa Clara County Office of Education

PRESENTATIONS

YAC PRESENTATION - ASSET #17 - CREATIVE ACTIVITIES

PUBLIC COMMENT

The public comment was opened at 7:34 p.m.

Brian Faircloth

Hearing no further requests to speak, the public comment was closed.

OUTSIDE AGENCY REPORTS

ANDERSON DAM WATER LEVEL REPORT

Recommendation:

Receive verbal report from the Santa Clara Valley Water District and discuss items related to Anderson Dam's water level

Santa Clara Valley Water District Board Chair John Varela, along with Chief Operating Officer Jim Fielder, Deputy Operating Officer Katherine Obin, and Unit Manager for Dam Safety Unit Himong Disai provided a presentation.

Mayor Pro Tem Carr called a recess at 8:00 p.m.
The meeting was reconvened at 8:08 p.m.

The public comment was opened at 8:24 p.m.
Dave Elliott was called to speak.
Hearing no further requests to speak, the public comment was closed.

ADOPTION OF AGENDA

MOTION TO ADOPT AGENDA AS POSTED

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rich Constantine, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	Tate, Carr, Constantine, Jachimowicz, Spring

CONSENT CALENDAR

Motion to approve consent calendar items 3 through 9. Items 1 and 2 were pulled for discussion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rich Constantine, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Carr, Constantine, Jachimowicz, Spring

1. **ACCEPT AQUATIC FOUNDATION DONATION - ITEM PULLED FOR DISCUSSION**
2. **BOARD OF STATE AND COMMUNITY CORRECTIONS CITY LAW ENFORCEMENT GRANT - ITEM PULLED FOR DISCUSSION.**
3. **PEDESTRIAN SAFETY AND TRAFFIC CALMING UPDATE AND AWARD OF CONTRACT FOR THE FOURTH STREET & MONTEREY ROAD SIGNALIZATION PROJECT**

Recommendation:

Adopt Resolution approving the following actions:

1. Receive update on pedestrian safety and traffic calming projects;
2. Approve Fourth Street & Monterey Road Signalization Project plans and specifications;
3. Award a contract to Mike Brown Electric Co. for the Fourth Street & Monterey Road Signalization Project in the amount of \$306,430;
4. Authorize expenditure of construction contingency funds not to exceed \$30,643; and
5. Authorize the City Manager to execute and administer the construction contract with Mike Brown Electric Co.

4. **JANUARY 2017 FINANCIAL AND INVESTMENT REPORT**

Recommendation:

Accept and file report.

5. **RECEIVE AND FILE THE ANNUAL SB 165 REPORT FOR CFD NO. 2014-1 (FISHER CREEK)**

Recommendation:

Receive and file the report.

6. **FOLLOW-UP RESPONSE TO GRAND JURY REGARDING PENSION AND OTHER POST-EMPLOYMENT BENEFITS**

Recommendation:

Approve the follow-up response to Grand Jury.

7. **APPROVE THE FEBRUARY 15, 2017 SPECIAL-REGULAR CITY COUNCIL MEETING MINUTES.**

Recommendation:

Approve minutes.

8. **APPROVE THE FEBRUARY 22, 2017 SPECIAL/REGULAR CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve Minutes.

9. **APPROVE THE MARCH 1, 2017 REGULAR CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve Minutes.

ITEMS PULLED FROM CONSENT CALENDAR

1. ACCEPT AQUATIC FOUNDATION DONATION

Recommendation:

Authorize the City Manager to execute, administer, and further negotiate as necessary a contract accepting a donation from the Morgan Hill Aquatic Foundation for the provision of swim lessons for under-served youth.

Recreation Manager Nick Calubaquib introduced the item.

The public comment was opened at 8:35 p.m.

Tim Thornton was called to speak.

Hearing no further requests to speak, the public comment was closed.

RESULT:	AUTHORIZED [UNANIMOUS]
MOVER:	Rich Constantine, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Carr, Constantine, Jachimowicz, Spring

2. BOARD OF STATE AND COMMUNITY CORRECTIONS CITY LAW ENFORCEMENT GRANT

Recommendation:

1. Adopt resolution accepting grant funding in the amount of \$49,705.98 from the State of California Board of State and Community Corrections for the supplement of the City of Morgan Hill's Safe Parking Program and amending the Fiscal Year 2016/17 Budget and appropriating an additional \$49,705.98 for the purchase of supplies/materials and participant services; and
2. Recognize grant revenue.

City Manager Steve Rymer provided a report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rene Spring, Council Member
SECONDER:	Rich Constantine, Council Member
AYES:	Tate, Carr, Constantine, Jachimowicz, Spring

OTHER BUSINESS

10. DOWNTOWN PARKING UPDATE

Recommendation:

1. Receive Downtown Parking Report; and
2. Provide direction on next steps

Economic Development Director Edith Ramirez and Assistant City Manager Leslie Little provided the report.

The public comment was opened at 9:12 p.m.

Sadik Azar

Casey Hagopian

Doug Muirhead

Chicken Little (Rich Bergin)

Dwight Dorsey

John McKay

Nora Monaco

Hearing no further requests to speak, the public comment was closed.

Mayor Pro Tem Carr called a recess at 9:59 p.m.

The meeting was reconvened at 10:11 p.m.

RESULT: NO ACTION TAKEN

11. RECENT SEWER OVERFLOW REPORT AND FIRST AMENDMENT TO LABORATORY SERVICES AGREEMENT - ALPHA ANALYTICAL LABORATORIES

Recommendation:

1. Receive report on recent sewer spill and response;
2. Approve First Amendment to laboratory services agreement with Alpha Analytical Laboratories, Inc. to amend scope of services, increase the not-to-exceed fee amount to \$208,955, and to extend the term of the agreement by 18 months;
3. Authorize City Manager to execute First Amendment; and
4. Direct staff to return to the Council with a plan for accelerating implementation of master planned sewer trunk facilities.

Deputy Director of Utilities Dan Repp provided the report.

The public comment was opened at 10:40 p.m.

Sara Nicolson

Sharon Luna

Trina Hineser

Hearing no further requests to speak, the public comment was closed.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rich Constantine, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Carr, Constantine, Jachimowicz, Spring

MOTION TO EXTEND THE MEETING TO 11:15 P.M.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rich Constantine, Council Member
SECONDER:	Rene Spring, Council Member

AYES: Tate, Carr, Constantine, Jachimowicz, Spring

12. PUBLIC SAFETY MASTER PLAN UPDATE: REINSTATE CRIME SUPPRESSION UNIT AND ADDITION OF ANIMAL SERVICES OFFICER

Recommendation:

1. Approve re-establishing Street Crimes Team by reassigning current member of DEA Taskforce;
2. Direct staff to include the addition of an Animal Services Officer for mid-cycle budget consideration; and
3. Accept Police Department's recommendations and implementation plan

Police Chief David Swing provided the report.

The public comment was opened at 11:05 p.m.

Jennifer Lepow

Ava Geddes

Hearing no further requests to speak, the public comment was closed.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Caitlin Jachimowicz, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	Tate, Carr, Constantine, Jachimowicz, Spring

PUBLIC COMMENT

The public comment was re-opened at 11:12 p.m.

Kim Matt was called to speak.

Hearing no requests further requests to speak, the public comment was closed.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Constantine asked that at the budget meeting in May, the City explore providing a scholarship to a college bound student who is underprivileged.

ADJOURNMENT

The meeting was adjourned at 11:18 p.m.

Minutes Prepared By:

Michelle Wilson, Deputy City Clerk



Sustainable Morgan Hill Vision

Morgan Hill is a socially responsible, environmentally conscious, and economically sound community that embraces inclusiveness with participation by all.

CITY COUNCIL ONGOING PRIORITIES

Enhancing Public Safety · Protecting the Environment · Maintaining Fiscal Responsibility ·
Supporting Our Youth, Seniors, and Entire Community · Fostering a Positive Organizational Culture ·
Preserving and Cultivating Public Trust · Preserving Our Cultural Heritage

2017 STRATEGIC PRIORITIES

High Speed Rail

Inclusiveness

Infrastructure

Regional Initiatives

Telecommunications

2017 STRATEGIC PRIORITIES:



High Speed Rail

The City of Morgan Hill will directly advocate for our community's needs through our communications, discussions, and decisions. We will continue to engage the community, the High Speed Rail Authority, our state and federal legislators, and other regional agencies to mitigate negative impacts and convey our position that the High Speed Rail Authority should only use the existing Highway 101 right-of-way to avoid all impacts to residents, schools, and businesses. Should the Authority decide the 101 right-of-way is not feasible, we will strongly advocate for the route with the least impact on Morgan Hill.



Inclusiveness

We will celebrate the diversity, history, and culture of our community. Through City Council workshops, community meetings, and researching successes in other communities, the City will listen to and collaborate with the community to define how inclusiveness will be further woven into our community's fabric and to increase public participation. The City's communications, services, public spaces, and projects will embrace all community members as partners, advancing our vision of being a socially responsible community.



Infrastructure

The City will review its streets, parks, and public facilities infrastructure needs initially by updating its 2014 infrastructure study to quantify the funding gap. We will identify potential funding options as ongoing revenue is insufficient to fund our vital community assets at a sustainable level without significantly impacting existing service levels that our community has come to expect. Morgan Hill will actively work with the Valley Transportation Agency, the County, and the State to secure funding for the Santa Teresa extension and road maintenance. We will continue to work closely with our community to inform them of the needs and engage them to find an affordable and sustainable solution.



Regional Initiatives

City Council and staff will focus on influencing regional decisions that benefit Morgan Hill. This regional involvement will include, but not be limited to, partnering with the League of California Cities, Valley Transportation Authority, Santa Clara Valley Water District, Cities Association of Santa Clara County, the City of Gilroy, Santa Clara County, Morgan Hill Unified School District, the Local Agency Formation Commission, the Open Space Authority, and Silicon Valley Clean Energy to advance projects that further Sustainable Morgan Hill.



Telecommunications

The City will collaborate with the private sector to explore ways to provide fast, reliable access and wireless connectivity for residents and businesses. The 2016 Telecommunications Infrastructure and Economic Development Blueprint reports will be the foundation for continuing discussions with broadband providers, public utilities, and other infrastructure service providers in developing an implementation plan for growing our telecommunications infrastructure. The plan will be used to signal Morgan Hill's support for business expansion.