



**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, June 28, 2017 6:00 PM

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

SPECIAL/REGULAR MEETING

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

SPECIAL MEETING

A special meeting was called for the purpose of conducting a closed session.

6:00 P.M.

CALL TO ORDER

Mayor Tate called the meeting to order at 6:00 p.m.

ROLL CALL ATTENDANCE

Deputy City Clerk Wilson called the roll.

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

Rene Spring	Council Member	Present	
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DECLARATION OF POSTING AGENDA

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

CLOSED SESSION

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

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 6:01 p.m.

There being no requests to speak, the public comment was closed.

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Pursuant to CA Govt. Code Section 54956.9(d)(1)

Case Name: Caballero v. City of Morgan Hill

Worker's Compensation Claim Nos:

WCAB ADJ9188774, MHL1400010

WCAB ADJ8606660, MHL1300012

WCAB ADJ8606584, MHL1200006

Case Name: Nelsen v. City of Morgan Hill

Worker's Compensation Claim Nos:

WCAB ADJ9373607, MHL1400026

WCAB ADJ9383549, MHL1400024

WCAB ADJ9383541, MHL1400022

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to: Government Code Section 54956.9(d)(2)

Number of Cases: One (1)

RECONVENE

The special meeting reconvened at 7:00 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Donald Larkin announced that there was no reportable action.

REGULAR MEETING

7:00 P.M.

The regular meeting was called to order at 7:00 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring shared that we have a lot of volunteers in our community, and expressed his appreciation to the various groups that provide safe overnight parking for families.

CITY MANAGER'S REPORT

City Manager Steve Rymer recognized the entire team at the Community and Cultural Center led by Jennie Tucker for their outstanding customer service. He wished everyone a safe, relaxing, and fun Fourth of July. He reminded the community that fireworks are illegal in Morgan Hill. The fines have been tripled in order to help promote a safe community.

He concluded by speaking to the evening's supplements and presentations.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin shared that he is the City's representative for the Association of Bay Area Governments (ABAG). The Board of Directors voted unanimously to change the administrator. As a result, there will be a large increase in cost to the member cities. They are working on a solution that would save the member agencies \$3.2 million.

OTHER REPORTS

None.

RECOGNITION

Tim Hennessey, Library Culture, and Arts Commissioner

PUBLIC COMMENT

The public comment was opened at 7:08 p.m.

Charles Weston was called to speak.

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

ADOPTION OF AGENDA

MOTION

Adopting the agenda as posted.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 through 12.

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

1. COPS HIRING GRANT

Recommendation:

1. Accept report in support of application of the Community Oriented Policing Services Hiring Grant, and
2. Affirm the City's commitment to maintain the position once grant funding expires.

2. SERVER AND STORAGE REPLACEMENT

Recommendation:

Approve purchase of replacement server and storage solution from IT Management Corporation for a not to exceed amount of \$246,744.28.

3. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) JOINT POWERS AND COOPERATION AGREEMENT

Recommendation:

Adopt resolution authorizing the City Manager to execute or amend a Joint Powers and Cooperation Agreement ("Agreement") among the County of Santa Clara and a number of local jurisdictions for the term October 1, 2017, through September 30, 2020, with subsequent automatic three-year renewals unless the Agreement is terminated, for purposes of securing federal Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) Funding, following approval by the City Attorney as to form and legality.

4. APPROVAL OF AMENDMENT TO THE LEGAL SERVICES CONSULTANT AGREEMENT WITH LEONE & ALBERTS FOR LITIGATION SERVICES TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT TO \$95,000

Recommendation:

Approve the amendment to the legal services consultant agreement with Leone & Alberts for litigation services to increase the total not to exceed amount by \$20,000 to \$95,000.

5. **ADOPT ORDINANCE 2250, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING TITLE 3 OF THE MORGAN HILL MUNICIPAL CODE TO ADD A NEW CHAPTER 3.21 TO CREATE A USE TAX INCENTIVE PROGRAM**

Recommendation:

Waive the reading, adopt Ordinance No. 2250, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

6. **ADOPT ORDINANCE 2251, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT DA-15-06 (AAE 2017-0023): MONTEREY - EAH EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR SIX-MONTHS FOR 19 FISCAL YEAR 2016-2017 ALLOTMENTS (APN 817-03-055)**

Recommendation:

Waive the reading, adopt Ordinance No. 2251, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

7. **ADOPT ORDINANCE 2252, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT DA-15-07 (AAE 2017-0024): CIOLINO - EAH EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR SIX-MONTHS FOR EIGHT FISCAL YEAR 2016-2017 ALLOTMENTS (APN 767-09-029)**

Recommendation:

Waive the reading, adopt Ordinance No. 2252, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

8. **ADOPT ORDINANCE 2253, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT DA-15-08 (AAE 2017-0025): EAST DUNNE - EAH EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR SIX-MONTHS FOR 14 FISCAL YEAR 2016-2017 ALLOTMENTS (APN 817-01-080)**

Recommendation:

Waive the reading, adopt Ordinance No. 2253, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

9. **ADOPT ORDINANCE 2254, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT TO DA-14-03 (AAE2017-0013): BUTTERFIELD – DIVIDEND INCORPORATING SIX FISCAL YEAR 2016-2017 ALLOTMENTS TO THE APPROVED 78-UNIT VALENCIA DEVELOPMENT AND EXTENDING THE EXERCISE OF ALLOTMENTS FOR 84 BUILDING ALLOTMENTS (APN 726-26-005 &008)**

Recommendation:

Waive the reading, adopt Ordinance No. 2254, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

10. ADOPT ORDINANCE 2255, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE R-1 (4,500) (PD) AND R-2 (3,000) (PD) PLANNED DEVELOPMENT OVERLAY DISTRICT AND PRECISE DEVELOPMENT PLAN FOR AN 84-UNIT RESIDENTIAL DEVELOPMENT ON A 13.72-ACRE SITE LOCATED ON THE NORTHWEST AND NORTHEAST CORNERS OF THE INTERSECTION OF BUTTERFIELD BOULEVARD AND EAST CENTRAL AVENUE. (APN 726-26-005 &008)

Recommendation:

Waive the reading, adopt Ordinance No. 2255, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

11. ADOPT ORDINANCE 2256, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT DA 06-06 GRANTING A SIX-MONTH EXTENSION FOR 15, FISCAL YEAR 2014-2015 ALLOTMENTS FOR APPLICATION DA 06-06 (AAE2017-0016): MONTEREY - GUNTER (APN 726-23-008)

Recommendation:

Waive the reading, adopt Ordinance No. 2256, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

12. APPROVE THE JUNE 7, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARING

13. CITY COUNCIL TRANSITION TO BY-DISTRICT ELECTIONS

Recommendation:

1. Receive report from National Demographics Corporation;
2. Open/close the public hearing; and
3. Direct staff to work with consultants and the community to identify and define four Council districts in compliance with the California Voting Rights Act and Elections Code section 10010.

Deputy City Clerk Michelle Wilson and Communications and Engagement Manager Maureen Tobin presented the report and introduced Douglas Johnson, President, National Demographics Corporation who continued the report.

The public hearing was opened at 8:09 p.m.

Brian Faircloth was called to speak.

There being no further requests to speak, the public hearing was closed.

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

14. UHC CONDITIONAL AFFORDABLE HOUSING FUNDING RECOMMENDATION

Recommendation:

Approve conditional funding for the UHC Affordable Housing Project \$750,000, contingent on UHC's ability to obtain the remaining gap funds, subject to an agreement negotiated by the City Attorney.

Housing Manager Rebecca Garcia presented the report.

The public comment was opened at 8:24 p.m.

There being no requests to speak, the public comment was closed.

MOTION:

Approving the recommended action.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rich Constantine, Council Member
SECONDER:	Larry Carr, Mayor Pro Tem
AYES:	Tate, Carr, Constantine, Jachimowicz, Spring

15. ACCEPTANCE OF 2017 PAVEMENT MANAGEMENT SYSTEM REPORT

Recommendation:

1. Receive report on 2017 Pavement Management System Report; and
2. Accept the 2017 Pavement Management System Report.

Deputy Director of Engineering Scott Creer presented the report and introduced Robert Estimo with AMS Consulting.

The public comment was opened at 8:53 p.m.

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

MOTION:

Approving the recommended action.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Rich Constantine, Council Member
SECONDER:	Larry Carr, Mayor Pro Tem
AYES:	Tate, Carr, Constantine, Jachimowicz, Spring

16. ENVIRONMENTAL AGENDA REVIEW

Recommendation:

Accept report and provide direction to staff on future implementation priorities.

The Mayor called a recess at 8:59 p.m.
The meeting was reconvened at 9:07 p.m.

Program Administrator Anthony Eulo provided the report.

The public comment was opened at 9:27 p.m.
There being no requests to speak, the public comment was closed.

RESULT: NO ACTION TAKEN

17. PROVIDE DIRECTION REGARDING WAGE THEFT PREVENTION POLICY

Recommendation:

1. Provide direction on developing a policy to prohibit contracts with individuals or entities that engage in wage theft, and
2. Provide direction regarding other actions that may be taken to combat wage theft.

City Attorney Donald Larkin provided the report.

The public comment was opened at 9:36 p.m.
Brian Sullivan was called to speak.
There being no further requests to speak, the public comment was closed.

RESULT: NO ACTION TAKEN

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring asked that the team look in to what we can do as a City to reduce the number of homeless residents in the community.

ADJOURNMENT

The meeting was adjourned at 9:40 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.