



**Meeting Minutes  
City Council**

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

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**Wednesday, July 19, 2017 5:15 PM**

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

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**SPECIAL/REGULAR MEETING**

**(5:15 P.M. Closed Session/ 6:00 P.M. Workshop/ 7:00 P.M. Regular Meeting)**

**SPECIAL MEETING**

**5:15 P.M.**

**CALL TO ORDER**

Mayor Tate called the Special meeting to order at 5:15 p.m.

**ROLL CALL ATTENDANCE**

Deputy City Clerk Michelle 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 |         |

## **DECLARATION OF POSTING AGENDA**

Per Government Code Section 54954.2

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

### **CLOSED SESSION**

City Attorney Donald Larkin announced the closed session.

### **OPPORTUNITY FOR PUBLIC COMMENT**

The public comment was opened at 5:16 p.m.

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

### **ADJOURN TO CLOSED SESSION**

The meeting adjourned to closed session at 5:17 p.m.

### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Authority: Government Code Section 54956.8

a. Property: APN 767-03-036

Agency Negotiators: Steve Rymer and Karl Bjarke

Negotiating Parties: Farideh Betpolice

Under Negotiation: Price and Terms of Payment

b. Property: APN 767-03-039, 041, 042

Agency Negotiators: Steve Rymer and Karl Bjarke

Negotiating Parties: Lieu Van Tran & Hgan Thi Tran

Under Negotiation: Price and Terms of Payment

c. Property: APN 767-01-052

Agency Negotiators: Steve Rymer and Karl Bjarke

Negotiating Parties: Rocke and Glenda Garcia

Under Negotiation: Price and Terms of Payment

d. Property: APN 767-12-024, 310 West Dunne Avenue

Agency Negotiators: Steve Rymer and Karl Bjarke

Negotiating Parties: John Howard

Under Negotiation: Price and Terms of Payment

- e. Property: APN 767-05-024, 205 Warren Avenue  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: Susan and Robert Kerr  
Under Negotiation: Price and Terms of Payment
  
- f. Property: APN 767-05-037  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: John A. Giancola  
Under Negotiation: Price and Terms of Payment
  
- g. Property: APN 767-06-034, 035, 272 Warren Avenue  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: County of Santa Clara  
Under Negotiation: Price and Terms of Payment
  
- h. Property: APN 767-05-001 and 767-04-009  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: PG&E/Water District  
Under Negotiation: Price and Terms of Payment

## **RECONVENE**

The special meeting reconvened at 6:01 p.m.

## **WORKSHOP**

## **PRESENTATION**

### **Development User Fee Study**

The purpose of this workshop is to provide a high-level overview of the methodology and process followed in the development of the City's Development User Fees. The goal is to receive fee setting policy direction from the City Council.

Assistant City Manager for Administrative Services Christina Turner, Community Development Director Jennifer Carman, Finance Director Dat Nguyen, and Stacey Shell with NBS facilitated the workshop.

The public comment was opened at 6:51 p.m. The following people were called to speak.

Dick Oliver

Rocke Garcia

Gary Hansen

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

## **REGULAR MEETING**

**7:00 P.M.**

**Mayor Tate convened the regular meeting at 7:01 p.m.**

## **SILENT INVOCATION**

## **PLEDGE OF ALLEGIANCE**

## **CITY COUNCIL REPORTS**

Council Member Constantine shared that none of his committees have met and wished everyone a wonderful summer.

## **CITY MANAGER'S REPORT**

### **PRESENTATION**

#### **Quarterly Teammate Recognitions**

##### **New Hires**

Cynthia Hasson- Assistant City Attorney

Gilbert Bailon- Utility Worker I

Alfredo Balajadia- Electrician

Pam van der Leeden - GIS/Land Use Data Administrator

Clint Byrum- Utilities Operations Manager

Inga Alonzo- Management Analyst (Utilities)

Vicky Rossi- Business Assistant

##### **Promotions**

Christie Thomas- Housing Program Coordinator

##### **Retirements**

Angela Rivera- Accounting Assistant II

Kat Corrales- Business Assistant

City Manager Steve Rymer recognized the City of Morgan Hill's newly hired, promoted, and retired teammates.

He announced that the City will be holding its second free residents day at the Aquatics Center on Friday, July 21st from 11:30 am to 6:00 pm. The last free residents day will be on August 18, 2017. On the district elections work that we have been doing, he shared that we have received about 11 maps and encouraged the residents to review and comment on those maps, as well as, to submit maps of their own. This is an opportunity for the community to participate in how the districts will be created here in the City of Morgan Hill.

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

## **CITY ATTORNEY'S REPORT**

City Attorney Donald Larkin reported that there was no reportable action for the closed session that took place earlier in the evening.

### **OTHER REPORTS**

Mayor Tate announced that the Library will be holding a celebration for its 10th birthday this Saturday at 1:00 pm.

## **PRESENTATIONS**

### **YAC PRESENTATION - ASSET # 7 - COMMUNITY VALUES YOUTH**

## **PROCLAMATIONS**

Proclaiming the Month of July 2017 as Parks and Recreation Month

## **PUBLIC COMMENT**

The public comment was opened at 7:24 p.m.

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

## **ADOPTION OF AGENDA**

### **MOTION**

Adopting the agenda moving item 16 to directly follow the consent calendar.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                   |
| <b>MOVER:</b>    | Larry Carr, Mayor Pro Tem                    |
| <b>SECONDER:</b> | Caitlin Jachimowicz, Council Member          |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz, Spring |

## **CONSENT CALENDAR**

### **MOTION:**

Approving consent calendar items 2 through 11.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                  |
| <b>MOVER:</b>    | Larry Carr, Mayor Pro Tem                    |
| <b>SECONDER:</b> | Caitlin Jachimowicz, Council Member          |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz, Spring |

1. **ITEM PULLED FOR DISCUSSION**
2. **APPROVE PURCHASE OF CENTENNIAL RECREATION CENTER FITNESS EQUIPMENT**

Recommendation:

1. Approve the purchase of \$82,731 in fitness equipment for the Centennial Recreation Center using YMCA pricing;
2. Determine that a competitive bid would not likely result in a lower price pursuant to Morgan Hill Municipal Code Section 3.04.150(B); and
3. Delegate authority to the City Manager to execute documents to affect such purchase.

3. **PURCHASE OF FOUR POLICE FORD EXPLORERS**

Recommendation:

1. Adopt resolution authorizing the purchase (including build-out) of four patrol 2017 Ford Explorers for an amount not to exceed \$237,444; and
2. Authorize the salvage of 2011 Crown Victoria Patrol #131 (vin# 2761) and auction/salvage of three 2011 Crown Victoria Patrol Vehicles as necessary following their temporary use assignments.

**4. FIRST AMENDMENT TO AGREEMENT WITH ASSOCIATED RIGHT OF WAY SERVICES, INC. FOR HALE AVENUE EXTENSION PROJECT**

Recommendation:

Approve and authorize the City Manager to execute a First Amendment to the agreement with Associated Right of Way Services, Inc. in the amount of \$75,000, for a total contract amount not to exceed \$145,000 to continue with property acquisitions efforts for the Hale Avenue Extension Project.

**5. ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS FOR CAMPOLI - TRACT NO. 10215**

Recommendation:

Adopt resolution:

1. Accepting the subdivision public improvements for Campoli – Tract No. 10215;
2. Authorizing the Public Works Director to sign a Notice of Completion; and
3. Directing the City Clerk to file the Notice of Completion with the Recorder of Santa Clara County.

**6. ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS FOR TILTON PARK-TRACT NO. 10228**

Recommendation:

Adopt resolution:

1. Accepting the subdivision public improvements for Tilton Park – Tract No. 10228;
2. Authorizing the Public Works Director to sign a Notice of Completion; and
3. Directing the City Clerk to file the Notice of Completion with the Recorder of Santa Clara County.

**7. APPROVAL OF PRICE DRIVE SUBDIVISION STORMWATER BEST MANAGEMENT PRACTICES (BMP) OPERATION AND MAINTENANCE AGREEMENTS**

Recommendation:

Adopt resolution:

1. Approving four (4) Subdivision Stormwater Best Management Practices (BMP) Operation and Maintenance Agreements; and
2. Authorizing the City Manager to execute the Stormwater BMP Operation and Maintenance Agreements pending review and approval by the City Attorney.

**8. FINAL MAP APPROVAL FOR MADISON GATE PHASE 2 - TRACT NO. 10418**

Recommendation:

Adopt resolution:

1. Approving the Final Map; and
2. Authorizing the recordation of the Final Map.

**9. MAY 2017 FINANCIAL AND INVESTMENT REPORT**

Recommendation:

Accept and file report.

**10. APPROVE THE JUNE 21, 2017 MEETING MINUTES**

Recommendation:

Approve Minutes.

**11. APPROVE THE JUNE 28, 2017 MEETING MINUTES**

Recommendation:

Approve Minutes.

**ITEMS PULLED FOR DISCUSSION**

**1. INDIAN ASSOCIATION OF SOUTH COUNTY FLAG RAISING AT COMMUNITY AND CULTURAL CENTER REQUEST**

Recommendation:

Approve request from Indian Association of South County to raise the Flag of India at the Community and Cultural Center.

The public comment was opened at 7:26 p.m.

Brian Faircloth was called to speak.

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

**MOTION:**

Approving the recommended action.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                  |
| <b>MOVER:</b>    | Caitlin Jachimowicz, Council Member          |
| <b>SECONDER:</b> | Rene Spring, Council Member                  |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz, Spring |

**PUBLIC HEARING**

**16. 2017 HAZARDOUS VEGETATION PROGRAM CHARGES**

Recommendation:

1. Open/Close Public Hearing;
2. Adopt resolution A ordering the Final Report on the 2017 Weed and Brush Abatement Program Assessment Report – Program Charges to be transmitted to the Santa Clara County Assessor's Office and that liens be posted against the properties on the report, excluding Assessor Parcel Numbers (APN) struck out of the attached list; and
3. Adopt resolution B ordering the Final Report on the 2017 Weed and Brush Abatement Program Assessment Report – Program Charges to be transmitted to the Santa Clara County Assessor's

Office and that liens be posted against the properties on the report, excluding Assessor Parcel Numbers (APN) struck out of the attached list.

Program Administrator Anthony Eulo presented the report.

The public hearing was opened at 7:43 p.m. The following people were called to speak.

Alan Bicho

Jon Cronk

Wu Chun (Jeff) Hsu

Jose Hernandez

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

**MOTION:**

Adopting resolution A asking that the County of Santa Clara waive the fees for Mr. Cronk's property.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                   |
| <b>MOVER:</b>    | Larry Carr, Caitlin Jachimowicz              |
| <b>SECONDER:</b> | Rich Constantine, Council Member             |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz, Spring |

Mayor Tate excused himself from the dais.

**MOTION:**

Adopting resolution B.

|                  |                                        |
|------------------|----------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [4 TO 0]</b>                |
| <b>MOVER:</b>    | Rene Spring, Council Member            |
| <b>SECONDER:</b> | Caitlin Jachimowicz, Council Member    |
| <b>AYES:</b>     | Carr, Constantine, Jachimowicz, Spring |
| <b>RECUSED:</b>  | Tate                                   |

## **OTHER BUSINESS**

A recess was called at 8:28 p.m.

The meeting was reconvened at 8:40 p.m.

## **12. PROPOSITION 64 (MARIJUANA) UPDATE**

Recommendation:

1. Open and Close the Public Hearing on the revised marijuana ordinance;
2. Waive the first and second reading;
3. Introduce ordinance revising the Municipal Code restrictions on medical marijuana to restrict both medical and recreational marijuana activities; and
4. Provide direction on a future facilitated marijuana workshop.

Police Chief David Swing presented the report.

The public comment was opened at 8:49 p.m. The following people were called to speak.

Joy Joyner

Doug Muirhead

Brian Faircloth

Mike Robinson

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

**MOTION:**

Waiving the first and second reading of the ordinance.

|                  |                                      |
|------------------|--------------------------------------|
| <b>RESULT:</b>   | <b>WAIVED [4 TO 1]</b>               |
| <b>MOVER:</b>    | Rich Constantine, Council Member     |
| <b>SECONDER:</b> | Larry Carr, Mayor Pro Tem            |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz |
| <b>NAYS:</b>     | Spring                               |

**MOTION**

Introducing the ordinance.

|                  |                                      |
|------------------|--------------------------------------|
| <b>RESULT:</b>   | <b>INTRODUCED [4 TO 1]</b>           |
| <b>MOVER:</b>    | Rich Constantine, Council Member     |
| <b>SECONDER:</b> | Larry Carr, Mayor Pro Tem            |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz |
| <b>NAYS:</b>     | Spring                               |

**13. BIKEWAYS, TRAILS, PARKS AND RECREATION MASTER PLAN ADOPTION**

Recommendation:

1. Adopt the Bikeways, Trails, Parks and Recreation Master Plan Update;
2. Approve an amendment to the General Plan Environmental Impact Report for the Master Plan Update; and
3. Provide staff direction on next steps for the utilization of the Friendly Inn Non-Profit Center and El Toro Youth Center.

Community Services Director Chris Ghione, along with Ellie Fiore with MIG, presented the report.

The public comment was opened at 9:24 p.m. The following people were called to speak.

Kyle Windsor  
Brian Faircloth  
Mark Washbrush  
Kathy Sullivan  
Bill Haskell

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

**MOTION:**

Approving the recommended action.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                   |
| <b>MOVER:</b>    | Rich Constantine, Council Member             |
| <b>SECONDER:</b> | Rene Spring, Council Member                  |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz, Spring |

**14. INCLUSIVE PLAYGROUND CONSULTANT SERVICES AGREEMENT WITH MAGICAL BRIDGE**

Recommendation:

Authorize the City Manager to execute, further negotiate, and subsequently administer an agreement with the Magical Bridge Foundation for services up to \$600,000 related to the development of an inclusive playground in Morgan Hill.

Community Services Director Chris Ghione presented the report.

The public comment was opened at 10:07 p.m. The following people were called to speak.

Greg Wolff  
Kathy Sullivan  
Ron Locicero

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

**MOTION:**

Approving the recommended action.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>AUTHORIZED [UNANIMOUS]</b>                |
| <b>MOVER:</b>    | Rene Spring, Council Member                  |
| <b>SECONDER:</b> | Rich Constantine, Council Member             |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz, Spring |

**15. OUTDOOR SPORTS CENTER UPDATE**

Recommendation:

1. Direct staff to issue a Request for Proposals for operations at the Outdoor Sports Center;
2. Provide staff with direction on the guiding principles of the Request for Proposals; and
3. Adopt resolution amending the Fiscal Year 2017-18 Budget appropriating \$1,350,000 from the Park Maintenance Fund (302) for replacement of the artificial turf fields at the Outdoor Sports Center.

Community Services Director Chris Ghione presented the report.

The public comment was opened at 10:55 p.m.

Jeff Dixon was called to speak.

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

**MOTION:**

Extending the meeting to 11:30 p.m.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>EXTENDED [UNANIMOUS]</b>                  |
| <b>MOVER:</b>    | Caitlin Jachimowicz, Council Member          |
| <b>SECONDER:</b> | Rene Spring, Council Member                  |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz, Spring |

**MOTION**

Approving the recommended action.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                   |
| <b>MOVER:</b>    | Rich Constantine, Council Member             |
| <b>SECONDER:</b> | Caitlin Jachimowicz, Council Member          |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz, Spring |

## **PUBLIC HEARING**

### **16. MOVED UP TO DIRECTLY FOLLOW THE CONSENT CALENDAR**

### **17. IMPACT FEE FINANCING AGREEMENT-COCHRANE CO-BRANDS II, INC.**

Recommendation:

Adopt resolution authorizing the City Manager to execute a Sewer and Traffic Impact Fee Financing Agreement, consistent with the Sewer and Traffic Impact Fee Deferral Program and Government Code section 53083, with Cochrane Co-Brands II, Inc. for the development of a 76 Gas Station and Burger King restaurant at Cochrane Commons.

Economic Development Coordinator John Lang presented the report.

The public hearing was opened at 11:22 p.m.

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

#### **MOTION:**

Approving the recommended action.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                   |
| <b>MOVER:</b>    | Larry Carr, Mayor Pro Tem                    |
| <b>SECONDER:</b> | Rene Spring, Council Member                  |
| <b>AYES:</b>     | Tate, Carr, Constantine, Jachimowicz, Spring |

## **FUTURE COUNCIL INITIATED AGENDA ITEMS**

Council Member Jachimowicz shared that she has been working with the Chamber on a week of events leading up to National Women's Equality Day and marks the passage of the 19th amendment. In light of our inclusiveness initiative we have put together some touchstone events for the week. On Monday, August 21st Cinelux will provide a screening of the movie Hidden Figures and we are trying to get Wonder Woman as well, at matinee prices. On Thursday, August 24th there will be a panel discussion on women in professional fields held here in the Council Chamber. Congresswoman Zoe Lofgren will be participating, as well as, VP for Kaiser Irene Chavez, Assistant City Manager Christina Turner, Architect Lesley Miles, and Judge Jacqueline Duong. We will be reaching out to the High Schools to encourage them to attend and participate. On Sunday, August 27th we will be holding a mixer at Grinds, Vines, and Automobiles (GVA), people of all ages are encouraged to attend and we are hoping that women will come dressed as they would for work. She has asked the Historical Society to see if they can do something on Saturday at the Museum around the women of Morgan Hill. She has asked if the library can put together a display of women's history. She requested that the City prepare and present a proclamation for the August 23, 2017 meeting and invite all women teammates to come when we present the proclamation so that we can thank them for all of the work that they do.

City Manager Steve Rymer shared that regarding the weed abatement program, there are other cities that have more of an administrative process that we can explore and will bring forward.

## **ADJOURNMENT**

The meeting adjourned at 11:30 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.