



**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, July 26, 2017 5:30 PM

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

SPECIAL/REGULAR MEETING

(5:30 P.M. Workshop/ 7:00 P.M. Regular Meeting)

SPECIAL MEETING

5:30 P.M.

CALL TO ORDER

Mayor Tate called the special meeting to order at 5:30 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

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

WORKSHOP

Transition to District Elections Workshop

The purpose of this Community Workshop is to:

Host a public forum for discussion of the district election process and map-drawing criteria;

Present the initial draft maps;

Gather feedback from the community; and

Review and discussion by City Council and community of initial draft maps.

Following this Community Workshop, the third public hearing will be held on the same evening (July 26, 2017), to formalize direction to staff and National Demographics Corporation (NDC) for the development of the final maps and the election sequencing.

The initial draft maps are not necessarily the final maps; draft maps can be submitted until August 14, 2017. At the August 23, 2017 City Council meeting, the City Council will review any maps submitted through August 14th and introduce an ordinance selecting the district maps and setting the election sequencing.

Deputy City Clerk Michelle Wilson introduced Douglas Johnson with NDC who facilitated the workshop.

The public comment was opened at 6:03 p.m. The following people were called to speak.

Doug Muirhead

Joe Mueller

Brian Faircloth

Theresa Guerrero Daley

Kathy Sullivan

John Horner

Yvonne

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

Mayor Tate called a recess at 7:05 p.m.

REGULAR MEETING

7:00 P.M.

Mayor Tate convened the regular meeting at 7:13 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Jachimowicz shared that one of the things that she has been tasked with is tracking legislation. There is one bill in particular that has advanced very quickly that concerns her, SB649. It's the wireless telecommunications facilities bill. The League of California Cities has strongly opposed it. The bill would require cities to lease out public property to wireless companies and caps how much the Cities can lease the property for.

She announced that the City has partnered with the Chamber of Commerce for a week honoring women and Women's Equality, August 21st through the 27th. We have a lot of fun events planned from a screening of Hidden Figures at Cinelux on Monday to a panel discussion here on Thursday with Congresswoman Zoe Lofgren, one of our local judges Jacqueline Duong, as well as, some other leading women in our community, about what it means to be a woman in the professional realm. She encouraged everyone to participate and help celebrate the women who work behind the scenes to be the Wonder Women we have in Morgan Hill.

CITY MANAGER'S REPORT

Acting City Manager Christina Turner spoke to the evening's supplements and presentations. She announced that the City is hosting a free outdoor movie night tomorrow night at Galvan Park at 8:00 p.m. The featured movie will be Sing. She shared that next Tuesday night, August 1st starting at 5:30 p.m. we will be holding the National Night Out event in our downtown which is an annual event. She announced that the City has available on-line a transit survey; to date over five hundred surveys have been completed. We will also have the survey available at some of the community events including the downtown parking meeting, as well as the Station Area Masterplan meeting. This survey is an opportunity for us to learn from the community what their transportation needs are. This stems in part from Valley Transportation Authority's (VTA) Measure B in which we will be receiving funds. Also related, she recognized Tiffany Brown for her outstanding work with both the VTA and the High Speed Rail. She has exemplified the core values of innovation and meeting challenges.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no reports.

OTHER REPORTS

None.

PUBLIC COMMENT

The public comment was opened at 7:20 p.m.

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 through 7.

Council Member Constantine recused himself on item 5.

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

1. APPROVE HEALTHY PLAY GRANT APPLICATION AND CONSIDER BUDGET AMENDMENT FOR MATCHING FUNDS UPON SCOPE COMPLETION

Recommendation:

1. Authorize City Staff to apply for a Healthy Play Grant for new play equipment; and
2. Direct staff to return to the Council with a budget amendment authorizing a matching appropriation from the Park Impact, Park Maintenance, and/or General Fund Budget once the exact final project cost and scope are complete.

2. LETTER OF SUPPORT FOR FUNDING PACHECO RESERVOIR EXPANSION

Recommendation:

Direct staff to prepare and submit a letter supporting the funding for the expansion of Pacheco Reservoir.

3. AWARD FIVE-YEAR AGREEMENT WITH POTABLE DIVERS, INC FOR RESERVOIR CLEANING AND INSPECTION

Recommendation:

1. Approve the execution of a five-year maintenance service agreement with Potable Divers, Inc. in the amount of \$20,600 for reservoir cleaning and inspection; and
2. Authorize the City Manager to execute the five-year maintenance service agreement with Potable Divers, Inc.

4. EIGHTH SEMI-ANNUAL REPORT ON POST-ISSUANCE COMPLIANCE FOR TAX ADVANTAGED BONDS

Recommendation:

Receive Report.

5. ITEM REMOVED FROM CONSENT FOR SEPARATE VOTE

6. PURCHASE OF A NEW COMPACT EXCAVATOR AND UTILITY TILT BED TRAILER

Recommendation:

1. Approve purchase of a new compact excavator and utility tilt bed trailer from Pape Machinery, Inc., in the amount of \$71,277.66; and
2. Authorize City Manager to approve purchase order in the amount of \$71,277.66 with Pape Machinery, Inc.

7. ORDERING THE MAKING OF AMENDED REASSESSMENTS FOR REASSESSMENT DISTRICT NO. 2015-2 (MADRONE BUSINESS PARK) AMENDING REASSESSMENT NO.7

Recommendation:

Adopt the following:

1. Resolution Ordering the Making of the Amended Reassessments Pursuant to Part 10 of The Streets and Highway Code and Directing Actions with Respect Thereto Reassessment District No. 2015-2; and
2. Resolution Ordering Preliminarily Approving Amended Reassessment, Ordering the Public Hearing, and Directing Actions with Respect Thereto Reassessment District No. 2015-2.

8. ITEM PULLED FOR DISCUSSION

ITEMS PULLED FOR DISCUSSION

5. AWARD EAST MAIN AVENUE WELL PROJECT

Recommendation:

1. Approve the East Main Avenue Well Project plans and specifications;
2. Award contract to Conco West, Inc. for the East Main Avenue Well Project in the amount of \$1,603,500;
3. Authorize expenditure of construction contingency funds not to exceed \$160,350; and
4. Authorize the City Manager to execute and administer the construction contract with Conco West, Inc.

MOTION:

Approving the recommended action.

RESULT:	APPROVED [4 TO 0]
MOVER:	Larry Carr, Mayor Pro Tem
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Carr, Jachimowicz, Spring
RECUSED:	Constantine

8. ADOPT ORDINANCE 2257, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE TITLE OF CHAPTER 9.16 (MEDICAL MARIJUANA) AND SECTIONS 9.16.010 (INTENT), 9.16.020 (DEFINITIONS), AND 9.16.030 (PROHIBITED ACTIVITIES) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE MORGAN HILL MUNICIPAL CODE PROHIBITING MARIJUANA CULTIVATION, MARIJUANA DELIVERY SERVICES, AND MARIJUANA DISPENSARIES

Recommendation:

Waive the reading, adopt Ordinance No. 2257, 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.

Mayor Tate opened the public comment at 7:23 p.m. The following people were called to speak.

Brian Faircloth

Theresa Guerrero Daley

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

MOTION:

Approving the recommended action.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Larry Carr, Mayor Pro Tem
SECONDER:	Rich Constantine, Council Member
AYES:	Tate, Carr, Constantine, Jachimowicz
NAYS:	Spring

PUBLIC HEARING

9. CITY COUNCIL TRANSITION TO BY-DISTRICT ELECTIONS

Recommendation:

1. Open/close the public hearing;
2. Discuss initial draft maps; and
3. Provide direction on next steps for draft maps and election sequencing.

Deputy City Clerk Michelle Wilson provided the staff report. Douglas Johnson with National Demographics Corporation continued the presentation.

The public hearing was opened at 7:39 p.m. The following people were called to speak.

Marby Lee

Bob Benevento

Liam Downey

Carl McCaw

Armando Benavides

Brian Faircloth

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

RESULT:	NO ACTION TAKEN
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10. RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDACS) COMPETITION CATEGORIES AND ALLOTMENT DISTRIBUTION

Recommendation:

Adopt resolution establishing Competition Categories and Distribution of Allotments for the 2017 Residential Development Control System (RDACS) Competition.

Interim Principal Planner John Baty, Interim Principal Planner Gina Paolini, and Community Development Director Jennifer Carman presented the report.

The public hearing was opened at 8:51 p.m.

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

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

11. UPDATE ON TELECOMMUNICATIONS PLANNING PROCESS

Recommendation:

1. Receive update report; and
2. Direct staff to schedule a City Council workshop on public/private business models with telecommunications providers and local businesses as the next step to advance the City Council's 2017 Telecommunications Strategic Priority.

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

Economic Development Coordinator John Lang presented the report.

The public comment was opened at 9:35 p.m. The following people were called to speak.

Doug Muirhead

Trevor Bacolini

John Horner

Liam Downey

There being no further requests to speak, the public comment 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

12. RESPONSE TO GRAND JURY REGARDING LAFCO DENIALS: A HIGH SCHOOL CAUGHT IN THE MIDDLE

Recommendation:

Approve the response letter to the Santa Clara County Civil Grand Jury.

Acting City Manager Christina Turner presented the report.

The public comment was opened at 9:52 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

13. ADOPTION OF WAGE THEFT PREVENTION POLICY

Recommendation:

1. Adopt wage theft policy; and
2. Direct staff to return to City Council in September 2017 with an ordinance implementing additional wage theft prevention measures.

City Attorney Donald Larkin presented the report.

The public comment was opened at 9:56 p.m.

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

MOTION:

Approving the recommended action with the following changes to the policy; Mandatory Disclosure paragraph at the top of page two, changing "has" to "has not" in the third sentence and changing the word "affirms" to "affirm" in the first paragraph on page three, line seven.

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

14. AIRCRAFT NOISE MITIGATION ENTITY DISCUSSION

Recommendation:

1. Discuss the City's involvement in the south bay aircraft noise mitigation entity; and
2. Consider appointing one member and one alternate from the Council to serve on the committee, once established.

Mayor Tate presented the report.

The public comment was opened at 10:03 p.m.

Trevor Bacolini was called to speak.

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

RESULT:	NO ACTION TAKEN
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CLOSED SESSION

City Attorney Donald Larkin announced the closed session.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 10:15 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 10:15 p.m.

LIABILITY CLAIMS

Authority:	Pursuant to Government Code Section 54956.95
Claimant:	Goldstein, Borgen, Dardarian & Ho
Agency claimed against:	City of Morgan Hill

RECONVENE

Mayor Tate reconvened the meeting at 10:22 p.m.

CLOSED SESSION ANNOUNCEMENT

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Carr would like to have the LAFCO response to Grand Jury Letter brought back to a future meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:23 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.