CITY OF MORGAN HILL

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, November 15, 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 Pro Tem Carr called the meeting to order at 5:30 p.m.

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
Steve Tate	Mayor	Late	
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

1. HIGH SPEED RAIL WORKSHOP

Recommendation:

The purpose of the High Speed Rail workshop is to review the findings of the Highway 101 Corridor Study by Michael Baker and Associates, provide an update on consultant-related work for the project, and receive a schedule update from the California High Speed Rail Authority.

Mayor Pro Tem Carr shared that at times he will excuse himself from the dais as he owns property within 500 feet of one of the proposed routes, however, tonight's topic is not about that route or about any decision points for the Council. Tonight's discussion is an opportunity for the public and the Council to learn and understand more about the 101 corridor and as such he will participate in tonight's meeting.

City Attorney Donald Larkin concurred with Council Member Carr and reiterated that the purpose of tonight's workshop is really to discuss the work that staff has been doing exploring the 101 alignment. To the extent that Council has questions regarding the downtown alignment, we would ask that those questions be held to the end and with time permitting would address those questions with Council Member Carr not participating.

City Manager Christina Turner introduced Economic Development Director Edith Ramirez and Associate Planner Tiffany Brown who gave a presentation and answered questions. Ben Tripousis and James Tung with the High Speed Rail Authority and Don Sepulveda with Michael Baker and Associates answered questions.

The public comment was opened at 6:42 p.m. The following people were called to speak:
Swanee Edwards
John Sanders
Tony Vesci
Linda Vrabel
Pat Campbell
Jan Males
Roland Lebrun
There being no further requests to speak, the public comment was closed.

The special meeting adjourned at 7:06 p.m.

REGULAR MEETING

The regular meeting was called to order at 7:11 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Mayor Pro Tem Carr shared that he serves on the South County Regional Wastewater Authority (SCRWA) Joint Powers Board which oversees the wastewater treatment plant for the cities of Morgan Hill and Gilroy. We are just beginning a process to analyze what it will take to expand the treatment facility. What this means for the City Council is that we will have to find a way to come up with $35 million to pay for Morgan Hill's share of the facility. The SCRWA Board is currently trying to analyze when something like that will really be needed so that we can amortize those dollars to figure out how we will pay for the treatment plant.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke regarding the evening's supplements and presentations. She mentioned that a workshop was held earlier in the evening regarding the High Speed Rail (HSR) project and that there was not enough time to discuss the three consultant contracts we have related to HSR. We anticipate that we will come back to Council at the next meeting to talk about funding for those contracts. In addition on the HSR item, we will be in continual conversations with the Council and community to make sure that as updates occur, we do bring them back so that all options can be looked at and decided upon by the Council.

She recognized Engineering and Utilities Director/City Engineer Karl Bjarke who has been with the City for the last 15 1/2 years and announced that he is retiring. She is confident that he will enjoy his retirement. She shared that Karl has led the Public Works Department through the construction of the major projects such as our recreation facilities, downtown parking structure, library, overpass, and our new downtown parks over the last several years. He has been an active member of Leadership Morgan Hill and has served as the president the past several years. She wished him well.

She announced that the Fourth Street signal is up and running and the speed humps have been removed. She also shared that the California Resources Agency, under their Urban Greening Grant Program, has awarded us $1.8 million for our Butterfield Boulevard Path Connector project. We are the only city in Santa Clara County that has been awarded any money through this grant. The City Council previously approved a funds match of $148,000 for the project. This will allow us a very nice path along Butterfield for both bicycles and pedestrians.

She concluded by announcing that on Saturday, December 2nd at 10:00 a.m. we will hold the opening ceremonies for our three downtown parks and asked the community to join in the festivities.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin reported that the City Council met in closed session on October 18th to discuss a claim for attorney's fees and costs from the Law Firm of Goldstein, Borden, Dardian and Ho in the amount of $30,000 which is the maximum claim amount allowed for fees and costs that are recoverable under the California Voting Rights Act (CVRA). On a three to two vote with Council Members Carr and Constantine voting no, Council authorized the City Attorney's Office to negotiate a settlement in the amount of $25,000 plus a full release for any further claims based on the demand for district elections. We did negotiate the settlement for $25,000 which was completed on November 2nd and we have received a full release for any further claims under the CVRA. Also on November 2nd, City Attorney Larkin represented Morgan Hill at a meeting of the Board of Directors for what was at the time called the Association of Bay Area Governments (ABAG) Plan Corporation, this is the liability pool that covers the city for claims and tort liability over $100,000. Due to the merger of ABAG and the Metropolitan Transportation Commission, ABAG will no longer be managing the Plan Corporation. It was our hope that they would stay on as fiscal agents for the Plan Corporation for the next six months while we transition but they declined to do that and instead moved to terminate the contract. As a result, we need to create a Joint Powers Authority (JPA) with an outside vendor for the services. It should be a seamless transition. Finally, item 9 on the agenda tonight is titled "Final Map Approval of Evergreen Rental", the title is correct, and the staff report is correct, however the recommended actions reference a parcel map which is different from a final map. The Council does not see parcel maps and would not be asked to approve a parcel map and clarified that the Council is being asked to approve a final map not a parcel map.

OTHER REPORTS

None.

PROCLAMATIONS

Proclaiming the month of November as Philanthropy Month.

PRESENTATIONS

YAC PRESENTATION - ASSET #41 - POSITIVE CULTURAL IDENTITY

SANTA CLARA VALLEY WATER DISTRICT - ANDERSON DAM PROJECT AND WATER LEVELS UPDATE

Engineering and Utilities Director Karl Bjarke introduced Katherine Obin with the Santa Clara Valley Water District who gave the presentation and answered questions.

Mayor Tate called a recess at 8:06 p.m.

The meeting was reconvened at 8:13 p.m.

PUBLIC COMMENT

The public comment was opened at 8:14 p.m. The following people were called to speak:

Brian Faircloth

Ava Geddes

Janet Pocus

Jose Juarez

Jaclin Cordes

Michele Harvey

Terris Sadler

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

MEETING HANDOUT

ADOPTION OF AGENDA

MOTION

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 2, 3, 5, 6, and 8 through 12. Item 4 was pulled for discussion and Mayor Tate recused himself on item 7.

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

2. APPROVE SERVICE MAINTENANCE AGREEMENT WITH SALINAS PUMP COMPANY

Recommendation:

Approve and authorize the City Manager to execute a three-year agreement with Salinas Pump Company in the amount of $275,000 for on-call routine and emergency repair, maintenance, and rehabilitation of the City's water wells and pump stations.

3. APPROVE PURCHASE OF A CARGO VAN WITH AN UPFIT

Recommendation:

1. Approve purchase of a new Cargo Van with an Upfit from Downtown Ford Sales in the amount of $39,292.32; and
2. Authorize City Manager to approve purchase order in the amount of $39,292.32 with Downtown Ford Sales.

4. ITEM PULLED FROM CONSENT

5. AUTHORIZE EXECUTION OF LETTER OF INTENT FOR THE PURCHASE OF AN AGRICULTURAL CONSERVATION EASEMENT ON PROPERTY LOCATED ON APN 728-06-019, HENDRY DRIVE

Recommendation:

Authorize the City Manager to execute a Letter of Intent for the purchase of an agricultural conservation easement.

6. SITE REVIEW, SR2017-0011: W. MAIN – MH LIBRARY: REQUEST FOR A SITE, ARCHITECTURAL AND LANDSCAPE PLAN APPROVAL OF A 6,434-SQUARE FOOT ADDITION TO THE MORGAN HILL LIBRARY LOCATED AT 660 WEST MAIN ST.

Recommendation:

Adopt resolution approving the Design Permit for the Library Expansion project.

7. ITEM PULLED FROM CONSENT

8. FINAL MAP APPROVAL OF WALNUT GROVE ESTATES - TRACT NO. 10422

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with Newland Homes, LLC and SiliconSage Builders, LLC;
3. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
4. Authorize the recordation of the Final Map, Subdivision Improvements Agreement, and the Stormwater BMP Operation and Maintenance Agreement.

9. FINAL MAP APPROVAL OF EVERGREEN RENTAL

Recommendation:

1. Approve the Parcel Map;
2. Authorize the City Manager to execute the Improvement Agreement with MH Evergreen Multi, LLC;
3. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
4. Authorize the recordation of the Parcel Map, Improvement Agreement, and the Stormwater BMP Operation and Maintenance Agreement.

10. FINAL MAP APPROVAL OF EVERGREEN FOR SALE - TRACT NO. 10403

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with MH Evergreen 74, LLC;
3. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
4. Authorize the recordation of the Final Map, Subdivision Improvements Agreement, and the Stormwater BMP Operation and Maintenance Agreement.

11. ADOPT ORDINANCE APPROVING ZONING AMENDMENT ZA 2017-0004 CHANGING THE ZONING DESIGNATION OF AN APPROXIMATELY 1.745-ACRE SITE LOCATED ON THE WEST SIDE OF DEL MONTE AVENUE OPPOSITE MATHILDA COURT (ASSESSOR PARCEL NUMBERS 767-16-013, -043) FROM RE 100,000 RESIDENTIAL ESTATE DISTRICT TO R-1 7,000 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT

Recommendation:

Waive the reading, adopt Ordinance No. 2263, 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 NOVEMBER 1, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

4. APPROVE CONCEPTUAL PLAN FOR JACKSON PARK PLAYGROUND ENHANCEMENTS AND APPROPRIATION FOR MATCHING PROJECT FUNDS

Recommendation:

1. Approve conceptual plans for Jackson Park playground enhancements and direct staff to solicit bids; and
2. Adopt resolution approving an appropriation of $72,327 from the Park Impact Fund (Fund 301) for matching funds.

MOTION:
Approving the recommended action.

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

7. ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS GIOVANNI DEVELOPMENT - TRACT NO. 9971

Recommendation:

1. Accept the subdivision public improvements for Giovanni Development – Tract No. 9971;
2. Authorize the Director of Engineering and Utilities or his designee to sign a Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the Recorder of Santa Clara County.

MOTION:
Approving the recommended action.

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

OTHER BUSINESS

13. REVIEW OF CITY COUNCIL MEETING SCHEDULE

Recommendation:

1. Review and adjust the City Council meeting schedule as deemed appropriate; and
2. Approve 2018 City Council meeting schedule.

Deputy City Clerk Michelle Wilson presented the report.

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

MOTION:
Approving the City Council meeting schedule changing the State of the City address to Thursday, February 22nd and adding the League of California Cities Conference to the calendar.

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

14. APPROVE AGREEMENT WITH CAL-SOAP FOR COLLEGE SCHOLARSHIP PROGRAM

Recommendation:

Authorize the City Manager to enter into an agreement between the City of Morgan Hill and the California Student Opportunity and Access Program (South County Cal-SOAP) to provide a $25,000 college scholarship to a Morgan Hill student, for a maximum contract amount of $26,000 with administrative fees.

City Manager Christina Turner provided the report. She then introduced Housing Manager Rebecca Garcia who continued the report. Rebecca Garcia invited Erin Gemar with Cal-Soap up to answer questions.

The public comment was opened at 9:15 p.m.
There being no requests to speak, the public comment was closed.

MOTION:
Approving the recommended action adding that the student would be pursuing public service, that it be a Live Oak, Central, or Sobrato student, that the Council have a conversation in the future to define the goals of giving scholarships, and that they review the partnership with Cal-SOAP.

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

15. AWARD OF OUTDOOR SPORTS CENTER ARTIFICIAL TURF REPLACEMENT PROJECT

Recommendation:

1. Adopt resolution amending the Fiscal Year 2017-18 Budget appropriating $217,000 from the Park Maintenance Fund (302) for the Outdoor Sports Center Artificial Turf Replacement Project for a total budget of $1,567,000;
2. Award contract to Astroturf USA, Inc. in the amount of $1,475,437 for the Outdoor Sports Center Artificial Turf Replacement Project;
3. Authorize expenditure of construction contingency funds not to exceed $51,000; and
4. Authorize the City Manager to execute and administer the construction contract with Astroturf USA, Inc.

Senior Project Manager Yat Cho presented the report.

The public comment was opened at 9:46 p.m.
There being no requests to speak, the public comment was closed.

MOTION:
Approving the recommended action.

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

16. 2016 WATER LOSS AUDIT REPORT

Recommendation:

Receive report on 2016 Water Loss Audit Report.

Deputy Director of Utility Services Dan Repp presented the report.

The public comment was opened at 10:08 p.m.
There being no requests to speak, the public comment was closed.

MOTION:
Approving the recommended action.

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

17. POLICE RESOURCES REPORT

Recommendation:

Accept report on Police resources and update on Public Safety Master Plan recommendations.

Mayor Tate called a recess 10:09 p.m.
The meeting was reconvened at 10:13 p.m.

Chief David Swing provided the report.

The public comment was opened at 10:44 p.m. The following people were called to speak:
Doug Muirhead
Jan Males
Brian Sullivan
There being no further requests to speak, the public comment was closed.

MOTION:
Approving the recommended action.

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

MOTION:
Extending the meeting to 11:45 p.m.

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

PUBLIC HEARING

18. AN ORDINANCE OF THE CITY OF MORGAN HILL ALLOWING EXISTING RESIDENTIAL DEVELOPMENT PROJECTS WITH A COMMENCEMENT OF CONSTRUCTION REQUIREMENT TO UTILIZE THE EXERCISE OF ALLOTMENT PROVISION PROVIDED

WITHIN THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) ORDINANCE SECTION 18.78.160 OF THE MORGAN HILL MUNICIPAL CODE

Recommendation:

1. Open/close public hearing;
2. Waive the first and second reading of the Ordinance; and
3. Introduce the Ordinance.

Community Development Director Jennifer Carman presented the report.

The public hearing was opened at 10:56 p.m.
There being no requests to speak, the public hearing was closed.

MOTION:
Waiving the first and second reading of the ordinance.

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

MOTION:
Introducing the ordinance.

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

19. ADOPT WAGE THEFT PREVENTION ORDINANCE

Recommendation:

1. Open/close public hearing;
2. Waive the first and second reading of the Wage Theft Prevention Ordinance; and
3. Introduce the Ordinance.

City Attorney Donald Larkin presented the report.

The public hearing was opened at 11:03 p.m.
There being no requests to speak, the public hearing was closed.

MOTION:
Waiving the first and second reading of the ordinance.

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

MOTION:
Introducing the Ordinance.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Mayor Tate asked that we look into guidelines or a policy regarding grant matching.

Council Member Spring asked for a discussion at Goal Setting Retreat regarding a process for reviewing funding requests proposed by Council.

Council Member Jachimowicz asked that a report come back perhaps in December on the animal services money and if the money has been used up.

Council Member Spring would like to look into rent control, along with a follow up on House Keys.

Council Member Carr wants to hear more about Sunrise Meadows (House Keys issue).

CLOSED SESSION

Mayor read the closed session into the record.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 11:06 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 11:06 p.m.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority:	Government Code 54957(b)(1)
Title:	City Attorney

RECONVENE

The meeting was reconvened at 11:40 p.m.

CLOSED SESSION ANNOUNCEMENT

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

ADJOURNMENT

The meeting adjourned at 11:40 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.