



CITY OF MORGAN HILL

Special - Regular Meeting Agenda

City Council

Steve Tate - Mayor

Larry Carr - Mayor Pro Tem

Rich Constantine - Council Member

Caitlin Jachimowicz - Council Member

Rene Spring - Council Member

Wednesday, December 6, 2017 6:15 PM

Council Chamber

17555 Peak Avenue, Morgan Hill, CA 95037

SPECIAL/REGULAR MEETING

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

A special meeting of the City Council is called at 6:15 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

6:15 P.M.

CALL TO ORDER

(Mayor Tate)

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
(Deputy City Clerk Wilson)

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION ANNOUNCEMENT

ADJOURN TO CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority: Government Code 54957(b)(1)

Title: City Attorney

RECONVENE

REGULAR MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

OATHS OF OFFICE

Community Emergency Response Team (CERT) Oaths of Office

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. ACCEPT DONATION FROM ANYTIME FITNESS FUNDRAISING EVENT FOR POLICE PROGRAMS

Recommendation:

Adopt resolution approving an amendment to the City's Fiscal Year 2017-18 budget to accept \$4,250 in donations from a fundraiser held by Anytime Fitness to benefit the Police Department and appropriate \$4,250 for expenditures for the Police Explorers, Range, and K-9 programs.

2. LEADERSHIP MORGAN HILL 2017 PUPS IN NEED - ADDITIONAL DONATION

Recommendation:

Adopt resolution accepting a final donation of \$2,370 from the Leadership Morgan Hill Class of 2017 for the Pups in Need - Morgan Hill Police Department Kennel Makeover.

3. APPROVE SERVICE AGREEMENT FOR DESIGN PROFESSIONALS WITH WESTON MILES ARCHITECTS, INC. FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE CENTENNIAL RECREATION CENTER EXPANSION PROJECT

Recommendation:

1. Authorize the City Manager to execute and administer an agreement with Weston Miles Architects, Inc. for design and construction support services for the Centennial Recreation Center Expansion Project in an amount not to exceed \$225,400; and
2. Adopt resolution appropriating an additional \$65,400 to the project from the Recreation Center Impact Fund.

4. APPROVE AGREEMENT FOR CRC CONCESSIONS

Recommendation:

Approve a Concessionaire License Agreement with Sycamore Concessions Company for the operation of a concession food and beverage station at the Centennial Recreation Center and authorize the City Manager to execute all associated documents and agreements.

5. AWARD OF OUTDOOR SPORTS CENTER ARTIFICIAL TURF PROJECT

Recommendation:

1. Correct the award of contract for the Outdoor Sports Center Artificial Turf Project to reflect the proper entity, Valley Precision Grading, Inc. in the amount of \$1,475,437;
2. Authorize expenditure of construction contingency funds not to exceed \$51,000; and
3. Authorize the City Manager to execute and administer the construction contract with Valley Precision Grading, Inc.

6. AWARD CONTRACT FOR LANDSCAPE MAINTENANCE: PARK MOWING, MEDIANS, AND DOWNTOWN

Recommendation:

Authorize the City Manager to execute and administer a Maintenance Services Agreement with Brightview Landscape Services for \$261,552 to service Group 1: City Parks Mowing, Group 3: Medians, and Group 6: Downtown for two years.

7. ADOPT RESOLUTION SETTING PUBLIC HEARING DATE FOR 2018 HAZARDOUS VEGETATION PROGRAM

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing on February 7, 2018.

8. GRANT APPLICATION TO THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY FOR THE WEST LITTLE LLAGAS CREEK INTERPRETIVE WILDLIFE TRAIL PROJECT

Recommendation:

Adopt resolution approving the submission of a grant application to the Santa Clara Valley Open Space Authority, authorizing the City Manager to execute grant documents if the grant application is successful.

9. ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS - VILLAGE CENTER - TRACT NO. 10219

Recommendation:

1. Accept the subdivision public improvements for Village Center – Tract No. 10219;
2. Authorize the Deputy Director of Engineering 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.

10. ACQUISITION OF PORTIONS OF PROPERTY (TRAN/DO) APN'S 767-03-039, -041, & -042 FOR THE HALE AVENUE EXTENSION PROJECT

Recommendation:

1. Adopt resolution approving the property purchase for portions of property on APN's 767-03-039, -041, -042 for \$1,142,000 plus escrow and closing costs from Luc Van Tran and Hong Phuoc Thi Do, as Trustees of the Tran/Do Family Trust for the Hale Avenue Extension Project; and
2. Authorize the City Manager to execute all documents and make minor modifications as necessary in order to consummate the transaction.

11. ACQUISITION OF PROPERTY (GIANCOLA) APN 767-05-037 FOR THE HALE AVENUE EXTENSION PROJECT

Recommendation:

1. Adopt resolution approving the property purchase of APN 767-05-037 for \$36,400 plus escrow and closing costs from John A. Giancola & Sons, Inc. for the Hale Avenue Extension Project, and
2. Authorize the City Manager to execute all documents and make minor modifications as necessary in order to consummate the transaction.

12. NINTH SEMI-ANNUAL REPORT ON POST-ISSUANCE COMPLIANCE FOR TAX ADVANTAGED BONDS

Recommendation:

Receive and accept report.

13. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2017

Recommendation:

Accept the City's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2017.

14. RECEIVE AND FILE THE ANNUAL SB 165 REPORT FOR COMMUNITY FACILITIES DISTRICT NO. 2014-1 (FISHER CREEK)

Recommendation:

Receive and file the report.

15. AB 1600 DEVELOPMENT IMPACT FEE REPORT FOR FISCAL YEAR 2016-17

Recommendation:

Adopt resolution making findings for unexpended development impact fees and accept the annual development impact fee report.

16. "CITY COUNCIL TERM LIMIT" INITIATIVE PETITION

Recommendation:

Receive report.

17. ADOPT AN UNCODIFIED 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:

Waive the reading, adopt Ordinance No. 2264, 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.

18. ADOPT ORDINANCE ADDING A NEW CHAPTER 15.38 (“WAGE THEFT PREVENTION”) TO TITLE 15 (“BUILDINGS AND CONSTRUCTION”) OF THE MORGAN HILL MUNICIPAL CODE

Recommendation:

Waive the reading, adopt Ordinance No. 2265, 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.

OTHER BUSINESS

19. DOWNTOWN SPECIAL EVENTS AND STREET CLOSURES

Recommendation:

Approve the proposed revised Downtown Special Events Street Closure Policy.

Estimated Time: 15 Minutes

20. ESTABLISHMENT OF ADMINISTRATIVE PROCESS TO CONSIDER HAZARDOUS VEGETATION PROGRAM CHARGES

Recommendation:

Direct staff to prepare an ordinance establishing an administrative process for hazardous vegetation abatement program charges.

Estimated Time: 15 Minutes

21. ANIMAL SERVICES UPDATE

Recommendation:

1. Receive report; and
2. Direct City staff to explore alternative regional approach to animal services.

Estimated Time: 30 Minutes

22. SEPTEMBER 2017 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

Estimated Time: 5 Minutes

23. APPROVE CITY MANAGER HOME LOAN

Recommendation:

1. Adopt resolution approving a housing loan to the City Manager in the amount not to exceed \$1,300,000 and authorizing the Mayor to sign all necessary loan documents; and
2. Amend the budget up to a maximum of \$1,300,000.

Estimated Time: 5 Minutes

PUBLIC HEARING

24. GENERAL PLAN AMENDMENTS, GPA2017-0001 AND -0002: CITY OF MORGAN HILL. AMENDMENTS TO THE MORGAN HILL 2035 GENERAL PLAN TO CORRECT MISCELLANEOUS LAND USE MAP AND TEXT ERRORS

Recommendation:

Adopt resolution approving amendments to the Morgan Hill 2035 General Plan.

Estimated Time: 30 Minutes

25. PURCHASE AND SALE AGREEMENT BETWEEN CITY OF MORGAN HILL AND GRANARY LLC, FOR THE GRANARY BUILDING EXPANSION PROJECT

Recommendation:

Adopt resolution approving Purchase and Sale Agreement by and between the City of Morgan Hill and Granary LLC, for the Granary Building Expansion Project and directing the City Manager to take all actions required to execute the Agreement.

Estimated Time: 15 Minutes

26. WA2017-0001 DIANA - GROSSWEILER- PETITION TO CANCEL WILLIAMSON ACT CONTRACT FOR PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 726-09-002

Recommendation:

1. Open/close public hearing; and
2. Adopt resolution.

Estimated Time: 15 Minutes

27. ZONING AMENDMENT, ZA2017-0009: EAST DUNNE - YOUNG: A REQUEST TO AMEND THE ZONING DESIGNATION ON A 3.49-ACRE PARCEL LOCATED ON THE NORTH SIDE OF EAST DUNNE AVENUE APPROXIMATELY 610 FEET WEST OF WALNUT GROVE DRIVE FROM THE R-2 3,500 TO R-3 MEDIUM DENSITY ZONING DISTRICT

Recommendation:

1. Open/close public hearing;
2. Waive first and second reading of the ordinance; and
3. Introduce ordinance approving amendment to the City zoning map.

Estimated Time: 10 Minutes

28. ZA2017-0008: MONTEREY-DOBKIN: REQUEST FOR A ZONING MAP AMENDMENT FROM THE ML - LIGHT INDUSTRIAL ZONING DISTRICT TO THE R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 5.66 GROSS ACRE SITE IDENTIFIED BY ASSESSOR PARCEL NUMBER 726-25-006 LOCATED ON THE EAST SIDE OF MONTEREY ROAD OPPOSITE THE SOUTHERLY TERMINUS OF OLD MONTEREY ROAD

Recommendation:

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

Estimated Time: 30 Minutes

29. ZA2017-0005, EA2017-007: WATSONVILLE - BLACKROCK-ZONING AMENDMENT FROM RE 40,000-RPD TO RE 40,000 FOR PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 779-02-023 LOCATED AT WATSONVILLE ROAD AND SANTA TERESA BOULEVARD.

Recommendation:

1. Open/close public hearing;
2. Adopt resolution denying Zoning Amendment ZA2017-0005;
OR
2. Waive the first and second reading of the ordinance approving the rezone; and
3. Introduce the ordinance.

Estimated Time: 30 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting



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.