



**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, December 6, 2017 6:15 PM

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

SPECIAL/REGULAR MEETING

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

SPECIAL MEETING

CALL TO ORDER

Mayor Tate called the Special Meeting to order at 6:15 p.m.

ROLL CALL ATTENDANCE

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.

CLOSED SESSION

Mayor Tate announced the closed session.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 6:16 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:16 p.m.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority: Government Code 54957(b)(1)

Title: City Attorney

REGULAR MEETING

The regular meeting convened at 7:00 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor Tate announced that there was no reportable action.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring shared that he had many wonderful experiences recently. He enjoyed the Diwali celebration held at Oakwood School by the Indian Association of South County a few weeks ago. He also very much enjoyed the Philanthropy night event organized by the Morgan Hill Community Foundation celebrating our community's volunteers and philanthropists. He shared that one of the highlights of his first year as Council Member was the ribbon cutting for our three parks last Saturday. It was amazing to see so many people attending these wonderful events.

He admitted that he has not slept well over the past few nights and addressed the recent news and allegations regarding Council Member Carr and shared his feelings about the situation.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She then shared that the three park openings that took place this past weekend were very successful. She announced that City offices will be closed December 22, 2017 through January 1, 2018 for the holidays. She provided a brief update on the City's Below Market Rate housing program. She concluded by requesting that the meeting be adjourned in honor of former City Manager Steve Rymer's daughter Michelle Schull.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no report.

OTHER REPORTS

Council Member Jachimowicz shared that the Mayor and Council have all designated Safety as the number one Council priority and reiterated to the community that if you are in immediate danger or someone you know is in immediate danger to please call 911. She also shared some helpful resources for any that may need them; 1-800-END-SADV (800-363-7238); Safe Chat Silicon Valley which can be accessed at safechatsv.org is a pilot program with four organizations in our community and is available if you need to speak to someone regarding anything from human trafficking, workplace violence, violence in the home, etc. If you are not safe in your home to make a phone call, this is an opportunity to make contact from your computer. She also shared that you can walk into any City facility and there is always someone available to help.

OATHS OF OFFICE

Community Emergency Response Team (CERT) Oaths of Office.

City Clerk Irma Torrez administered the oaths of office.

PUBLIC COMMENT

The public comment was opened at 7:16 p.m. The following people were called to speak:

Ann Horner

Larry Talbot

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:	Rich Constantine, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Carr, Constantine, Jachimowicz, Spring

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 through 8 and 10 through 18.

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

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. ITEM PULLED FROM CONSENT

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.

ITEMS PULLED FOR DISCUSSION

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.

MOTION:

Approving the recommended action.

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Rene Spring, Council Member
SECONDER:	Rich Constantine, Council Member
AYES:	Tate, Constantine, Jachimowicz, Spring
ABSTAIN:	Carr

OTHER BUSINESS

19. DOWNTOWN SPECIAL EVENTS AND STREET CLOSURES

Recommendation:

Approve the proposed revised Downtown Special Events Street Closure Policy.

Community Services Director Chris Ghione presented the report. City Attorney Donald Larkin addressed comments made in a letter submitted as a supplement.

The public comment was opened at 7:32 p.m. The following people were called to speak.

Diane Dasovic

John McKay

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

Mayor Tate called a recess at 8:18 p.m.

The meeting was reconvened at 8:24 p.m.

RESULT:	NO ACTION TAKEN
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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.

Program Administrator Anthony Eulo presented the report.

The public comment was opened at 8:28 p.m.

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

MOTION:

Directing staff to prepare an ordinance establishing an administrative process for hazardous vegetation abatement program charges based on option 2 - Local Hearing Before County Administrative Hearing.

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

21. ANIMAL SERVICES UPDATE

Recommendation:

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

Police Sergeant Bill Norman and Police Captain Shane Palsgrove presented the report.

The public comment was opened at 8:44 p.m.

Ava Geddes was called to speak.

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

MOTION:

Directing staff to explore alternative regional approaches to animal services with the idea of accepting the County's offer of an annual set amount for animal sheltering and exploring emergency veterinary service alternatives.

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

22. SEPTEMBER 2017 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

Finance Director Dat Nguyen presented the report.

The public comment was opened at 8:57 p.m.

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

RESULT:	NO ACTION TAKEN
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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.

Mayor Tate presented the report.

The public comment was opened at 9:00 pm.

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

MOTION:

Approving the recommended action.

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

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.

Community Development Director Jennifer Carman presented the report.

The public hearing was opened at 9:01 p.m.

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

MOTION:

Approving the recommended action.

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

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.

Council Member Carr excused himself from the dais.

Assistant City Manager Leslie Little presented the report.

The public hearing was opened at 9:07 p.m. The following people were called to speak:

John McKay

Charles Weston

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

MOTION:

Approving the recommended action.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Rich Constantine, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	Tate, Constantine, Jachimowicz, Spring
RECUSED:	Carr

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.

Interim Principal Planner Gina Paolini presented the report.

The public hearing was opened at 9:14 p.m.

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

MOTION:

Approving the recommended action.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Rich Constantine, Council Member
SECONDER:	Steve Tate, Mayor
AYES:	Tate, Constantine, Jachimowicz
NAYS:	Carr, Spring

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.

Community Development Director Jennifer Carman presented the report.

The public hearing was opened at 9:27 p.m.

Dick Oliver was called to speak.

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

MOTION:

Waiving the first and second reading of the ordinance.

RESULT:	WAIVED [4 TO 1]
MOVER:	Rich Constantine, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Carr, Constantine, Jachimowicz
NAYS:	Spring

MOTION:

Introducing the ordinance.

RESULT:	INTRODUCED [4 TO 1]
MOVER:	Rich Constantine, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Carr, Constantine, Jachimowicz
NAYS:	Spring

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.

Community Development Director Jennifer Carman presented the report.

The public hearing was opened at 9:46 p.m.

Phil Kerr was called to speak and provided a presentation.

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

MOTION:

Denying the rezoning request.

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

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.

Interim Principal Planner Gina Paolini presented the report.

The public hearing was opened at 10:06 p.m. The following people were called to speak:

Rocke Garcia

Mark Wiselogel

Bruce Schlegel

Nino Gallo

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

MOTION:

Adopting resolution denying Zoning Amendment ZA2017-0005.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Jachimowicz asked for a way for the Council to have a legal analysis from the City Attorney regarding the Council ethics policy.

Mayor Tate asked for a better economic development understanding of mixed use projects.

ADJOURNMENT

Mayor Tate adjourned the meeting at 10:22 p.m. in remembrance of Michelle Schull.

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.