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, January 17, 2018 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)

A special meeting of the City Council is called at 5:30 p.m. for the purpose of conducting a joint City Council/Planning Commission Zoning Code Update Workshop and a closed session.

SPECIAL MEETING

5:30 P.M.

CALL TO ORDER

(Mayor Tate)

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
(Deputy City Clerk Wilson)

WORKSHOP

1. **ZA2016-0006: ZONING CODE UPDATE - JOINT CITY COUNCIL / PLANNING COMMISSION WORKSHOP**

   Recommendation:

   Provide Planning Commission and staff with feedback/direction on policy questions related to the Zoning Code Update and discuss next steps.

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Pursuant to Government Code Section 54956.9(d)(1)
Case Name:	DeZubiria v. City of Morgan Hill
Case Number:	Santa Clara County Superior Court Case No: 17-CV-309262

RECONVENE

CLOSED SESSION ANNOUNCEMENT

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 Jachimowicz

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PRESENTATIONS

YAC PRESENTATION- ASSET #7- COMMUNITY VALUES YOUTH

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

2. CITY CORRESPONDENCE REGARDING RESOLUTION E-4907 REGISTRATION PROCESS FOR COMMUNITY CHOICE AGGREGATORS

Recommendation:

Receive correspondence urging the California Public Utilities Commission to oppose the Draft Resolution E-4907 which implements a registration process for Community Choice Aggregators.

3. REVIEW PROPOSAL TO RAISE A COMMEMORATIVE FLAG TO UNITE AND SHOW SUPPORT OF TRADITIONAL FAMILIES

Recommendation:

Determine that a proposal to raise a commemorative flag "to unite and show support for traditional families" does not meet the requirements of the City Flag Raising Policy (CP-17-02).

4. APPROVE PROFESSIONAL DESIGN AGREEMENTS FOR HYDROGEOLOGICAL AND GEOTECHNICAL ENGINEERING SERVICES

Recommendation:

Approve and authorize the City Manager to execute three-year agreements with Luhdorff & Scalmanini Consulting Engineers in the amount of $150,000, and Geo-Logic Associates in the amount of $90,000, for hydrogeological and geotechnical engineering services.

5. APPROVE PROFESSIONAL DESIGN AGREEMENTS FOR WATER AND WASTEWATER UTILITY PLANNING & ENGINEERING SERVICE

Recommendation:

Approve and authorize the City Manager to execute three-year agreements with Akel Engineering Group in the amount of $150,000 and Schaaf & Wheeler Consulting Civil Engineers in the amount of $150,000 for water and wastewater utility planning and engineering services.

6. APPROVE PURCHASE OF 150KW TRAILER-MOUNTED PORTABLE DIESEL GENERATOR

Recommendation:

1. Approve the purchase of one 150kW trailer-mounted diesel generator from Leete Generators, in the amount of $86,986; and
2. Authorize City Manager to approve purchase order in the amount of $86,986 with Leete Generators.

7. AUTHORIZATION TO ENTER INTO CONTRACT WITH LDV FOR THE PURCHASE OF A GRANT FUNDED PUBLIC SAFETY COMMAND VEHICLE

Recommendation:

Authorize City Manager to execute all necessary contract(s)/agreement(s) with LDV for the purchase of a Public Safety Command Vehicle through reimbursable grant funds.

8. ADOPT RESOLUTION APPROVING A POOLED LIABILITY ASSURANCE NETWORK JOINT POWERS AGREEMENT

Recommendation:

Adopt resolution authorizing the City Manager to execute the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA), which will replace the former ABAG PLAN Corporation.

9. ACQUISITION OF PROPERTY (HOWARD) APN 767-12-024 FOR THE HALE AVENUE EXTENSION PROJECT

Recommendation:

1. Adopt resolution approving the purchase of a portion of APN 767-12-024 for $303,748 plus escrow and closing costs from John P. Howard 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.

10. RATIFY SECOND AMENDMENTS WITH SCHAAF & WHEELER CONSULTING ENGINEERS FOR PROFESSIONAL DESIGN SERVICES FOR SEWER LIFT STATIONS J, K, D, F AND W

Recommendation:

Ratify Second Amendments with Schaaf & Wheeler Consulting Engineers for Professional Design Services for Sewer Lift Stations J, K, D, F and W.

11. ADOPT ORDINANCE APPROVING ZONING AMENDMENT ZA2017-0009 CHANGING THE ZONING DESIGNATION OF A 3.5 ACRE PARCEL LOCATED ON THE NORTH SIDE OF EAST DUNNE AVENUE APPROXIMATELY 610 FEET WEST OF WALNUT GROVE DRIVE (ASSESSOR PARCEL NUMBER 726-02-007), FROM R-2 3,500/RPD TO R-3 MULTI FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT

Recommendation:

Waive the reading, adopt Ordinance No. 2266, 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 15, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

13. APPROVE THE DECEMBER 6, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

14. APPROVE THE DECEMBER 20, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

OTHER BUSINESS

15. APPROVAL OF AMENDED AND RESTATED EMPLOYMENT AGREEMENT FOR THE CITY ATTORNEY

Recommendation:

1. Approve Amended and Restated Employment Agreement for the City Attorney, Mr. Donald Larkin; and
2. Authorize the Mayor to execute the agreement.

Estimated Time: 5 Minutes

16. ADOPTION OF VISION ZERO MORGAN HILL TRAFFIC SAFETY STRATEGIES

Recommendation:

1. Adopt Vision Zero Morgan Hill; and
2. Adopt resolution committing Morgan Hill to implement Vision Zero traffic safety strategies.

Estimated Time: 20 Minutes

17. PROVIDE DIRECTION REGARDING ANY POTENTIAL CHANGES TO MARIJUANA PROHIBITION

Recommendation:

1. Accept report on cannabis in Morgan Hill; and
2. Provide direction to staff for potential next steps/alternatives:
    a. Conduct a statistically valid survey on the community's support of the presence of retail sales in Morgan Hill
    b. Direct staff to draft proposed ordinance regulating all or some of the following: retail sales, cultivation, deliveries, testing and/or production of marijuana
    c. Continue with current ban on marijuana related products and industry
    d. Direct staff to pursue a personal cultivation registration program

Estimated Time: 45 Minutes

18. REVIEW OUTDOOR SPORTS CENTER OPERATOR REQUEST FOR PROPOSALS

Recommendation:

1. Direct staff to solicit full proposals for operation of the Outdoor Sports Center from the San Jose Soccer Complex Foundation and Sports Facilities Management; and
2. Direct staff to further explore partnership opportunities with the Northern California Volleyball Association and Silicon Valley Cricket for use of undeveloped City properties.

Estimated Time: 30 Minutes

19. STATION AREA MASTER PLAN PRIORITIZATION OF IMPROVEMENTS

Recommendation:

Review and provide comments on the draft Station Area Master Plan (SAMP) and the prioritization of improvements.

Estimated Time: 30 Minutes

20. PAVEMENT MANAGEMENT UPDATE

Recommendation:

Receive pavement management update report.

Estimated Time: 15 Minutes

21. SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE

Recommendation:

1. Open floor to nomination(s) for Mayor Pro Tempore; and
2. Select a Council Member to serve as Mayor Pro Tempore per City Council Policy 99-01.

Estimated Time: 5 Minutes

PUBLIC HEARING

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 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.