



**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, January 17, 2018 5:30 PM

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

SPECIAL/REGULAR MEETING

(5:30 pm Workshop/ 7:00 pm Regular Meeting)

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

SPECIAL MEETING

5:30 pm

CALL TO ORDER

Mayor Tate called the special meeting to order at 5:36 pm.

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	Late	

Rich Constantine	Council Member	Present	
Caitlin Jachimowicz	Council Member	Present	
Rene Spring	Council Member	Present	
John McKay	Chairman	Present	
Liam Downey	Vice Chairman	Present	
Juan Miguel Munoz Morris	Planning Commissioner	Present	
Mohammad Habib	Planning Commissioner	Present	
Yvonne Martinez Beltran	Planning Commissioner	Present	
Joseph Mueller	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Absent	

DECLARATION OF POSTING AGENDA

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

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.

Principal Planner John Baty and City Planning Consultant, Ben Noble provided the presentation.

The public comment was opened at 6:46 pm

Anonymous was called to speak.

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

The special meeting was adjourned at 6:57 pm

RESULT: NO ACTION TAKEN

REGULAR MEETING

Mayor Tate called the regular meeting to order at 7:05 pm

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Jachimowicz shared that in December she participated in a housing tour with members of the City team, as well as, representatives from Eden Housing. They toured four different locations in Morgan Hill that are a collection of affordable housing units. It was an incredible opportunity where people invited them into their homes and they had the opportunity to see what their living conditions were like. She learned that the different affordable housing units in Morgan Hill are not created equal. There is a huge difference between some of the units. Eden Housing has recently acquired some of these properties and they had an opportunity to sit down with them after the tour and talk about potential improvements to the properties. She thanked all of the people that welcomed them into their homes and noted that there

are hundreds and hundreds of people who live in affordable units in Morgan Hill and it was very humbling to be let into their lives in such a personal way. She hopes that we are able to continue to think about those real people and their lives as we continue the discussions on affordable housing and homelessness.

In early February, she will be participating in a two day Institute for Local Government (ILG) TIERS learning lab workshop on community engagement with Morgan Hill teammates Maureen Tobin, Chris Ghione, Michelle Wilson, and Hilary Holeman. Each city comes up with a case study to work on at the workshop. Morgan Hill's case study will be to focus on Morgan Hill infrastructure, particularly our messaging around infrastructure and telling our story.

CITY MANAGER'S REPORT

City Manager Christina Turner shared that the City Council Goal Setting Workshop will take place on Friday, January 26th and Saturday, January 27th. This is an opportunity for the Council to review our vision, priorities, and goals for Morgan Hill. She sees this as the kick off for the budget process so that we ensure that we incorporate Council's priorities and goals in the budget process. She invited the community to attend the workshop.

She shared that the same weekend, January 27th, Morgan Hill Values Youth is having a workshop at the Community and Cultural Center from 10:00 am to 2:30 pm.

She announced that we have commission vacancies for both our Library, Culture, and Arts Commission and Parks and Recreation Commission. She invited the community to submit their applications by the end of the day Friday, January 19th.

She announced that we have the recreation preschool open house on February 3rd from 10:00 am to 12:00 pm or February 7th from 5:30 pm to 7:00 pm. More information can be found on our website. Parents are encouraged to bring their children to check out the preschool program.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that he plans to provide High Speed Rail updates as a part of his City Attorney reports. He shared that High Speed Rail Authority (HSR) has a new CEO, Brian Kelley, who until recently, was the Secretary of the State Transportation Authority and comes with a lot of transportation knowledge and background. On the local level we have a new Local Contracts Manager, Noopur Jain who will be meeting with us next week. We have also invited HSR to come back and complete the presentation that they started giving us before the holiday break. We are targeting February 7th for that presentation. We are also working on coming forward with a set of ordinances that will implement the design standards that we have been working on in advance of HSR coming through and tearing up the town. We are also working on agreements with HSR to ensure that the things we have asked them to do get done.

OTHER REPORTS

Mayor Tate announced that he is scheduling the next Coffee with Mayor on February 3rd from 10:00 to 11:30 am, location to be determined.

Council Member Carr thanked the organizers of Monday night's South County Interfaith Community Alliance annual Martin Luther King Jr. Service and Celebration which was hosted by Saint Catherine's church this year. Houses of worship and communities throughout South County participated. It was a wonderful evening.

PRESENTATIONS

YAC PRESENTATION- ASSET #7- COMMUNITY VALUES YOUTH

PUBLIC COMMENT

The public comment was opened at 7:21 pm

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 2, 4 through 8, and 10 through 14.

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

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. ITEM PULLED FOR DISCUSSION

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. ITEM PULLED FOR DISCUSSION

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.

ITEMS PULLED FOR DISCUSSION

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).

The public comment was opened at 7:23 pm. The following people were called to speak:

Karen Swank

Joy Joyner

Brian Fairloth

Teresa Stephenson

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

City Manager Christina Turner provided the report.

MOTION:

Approving the recommended action.

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

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.

The public comment was opened at 7:44 pm.

Liam Downey was called to speak

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

MOTION:

Approving the recommended actions.

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

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.

City Attorney Donald Larkin excused himself from the dais.

Mayor Tate provided the report.

The public comment was opened at 7:51 pm.

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

MOTION:

Approving the recommended actions.

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

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.

Interim Deputy City Manager Chris Ghione along with Police Chief David Swing and Administrative Analyst Hilary Holeman provided the report.

The public comment was opened at 8:07 pm.

Brian Faircloth was called to speak.

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

MOTION:

Approving the recommended actions.

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

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

Mayor Tate called a recess at 8:14 pm.
The meeting was reconvened at 8:24 pm.

Police Chief David Swing provided the report.

The public comment was opened at 8:54 pm. The following people were called to speak:

Joy Joyner
Brian Faircloth
Ryan Gautschi
Sean Kali-Rai
Matt Delaney

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

Council provided direction and feedback to staff.

RESULT:	NO ACTION TAKEN
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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.

Mayor Tate called a recess at 9:47 pm.
The meeting was reconvened at 9:52 pm.

Interim Deputy City Manager Chris Ghione provided the report.

The public comment was opened at 10:06 pm. The following people were called to speak:
Gordon Jacoby

Robert Airoidi
Jeff Dixon
John Braga

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

MOTION:

Approving the recommended actions.

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

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.

City Manager Christina Turner introduced the item. Associate Planner Tiffany Brown, along with Assistant City Manager Leslie Little, provided the report.

The public comment was opened at 10:57 pm.

John McKay was called to speak.

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

RESULT:	NO ACTION TAKEN
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MOTION:

Extending the meeting to 11:45 pm.

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

20. PAVEMENT MANAGEMENT UPDATE

Recommendation:

Receive pavement management update report.

Deputy Director for Engineering Scott Creer provided the report.

The public comment was opened at 11:15 pm.

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

RESULT:	NO ACTION TAKEN
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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.

The public comment was opened 11:17 pm.

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

MOTION:

Selecting Council Member Constantine to serve as Mayor Pro Tempore.

RESULT:	APPOINTED [UNANIMOUS]
MOVER:	Steve Tate, Mayor
SECONDER:	Larry Carr, Mayor Pro Tem
AYES:	Tate, Carr, Constantine, Jachimowicz, Spring

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Constantine shared that he passed on a letter to the City Attorney regarding an ordinance for massage regulations and asked for staff to come back with suggestions.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 11:18 pm.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 11:18 pm.

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Donald Larkin announced that the Council unanimously approved a settlement agreement in the total amount of \$60,000.

ADJOURNMENT

The meeting was adjourned at 11:30 pm.

MINUTES PREPARED BY:

Michelle Wilson, Deputy City Clerk