



Meeting Minutes City Council

Steve Tate - Mayor
Rich Constantine - Mayor Pro Tem
Larry Carr - Council Member
Caitlin Jachimowicz - Council Member
Rene Spring - Council Member

Wednesday, February 21, 2018 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

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.

CALL TO ORDER

Mayor Tate called the meeting to order at 7:00 pm

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Steve Tate	Mayor	Present	
Rich Constantine	Mayor Pro Tem	Present	
Larry Carr	Council Member	Present	
Caitlin Jachimowicz	Council Member	Present	
Rene Spring	Council Member	Present	

DECLARATION OF POSTING AGENDA

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

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring shared that all the Council Members have outside assignments where they represent the City Council and the City of Morgan Hill. He, along with Council Member Carr, serve on the South County Regional Wastewater Authority (SCRWA) which manages the City's treatment of wastewater. Monthly on the first Wednesday at 8:00 am, they meet at the SCRWA offices in Gilroy and discuss all topics related to sewer treatment including the budget, any issues, and the plant expansion.

He shared that on a quarterly basis directly following the SCRWA meeting, the SCRWA members meet with the Santa Clara Valley Water District members (SCVWD) and discuss various topics related to the SCVWD. Depending on the agenda they tend to be very interesting meetings. He encouraged the community to attend both meetings.

Every other week, he serves on the Ad-Hoc Committee on South Flow Arrivals which includes elected officials from all over the peninsula. They discuss the paths that planes flying into San Jose from the south should take to cause the least amount of disturbance for the residents below.

He shared that his heart goes out to the victims of the Stoneman Douglas High School shooting that happened a week ago. He finds it heartbreaking. Something is wrong in our society and our country and we need to find a solution.

CITY MANAGER'S REPORT

City Manager Christina Turner announced the evening's supplements and presentations.

RECOGNITIONS PRESENTATION
QUARTERLY TEAMMATE RECOGNITIONS

New Hires

Joey Dinh- Associate Planner
Gabrielle Gomez- Police Records Specialist
Tyler Pecsok- Animal Services Officer
John Pipkin Jr.- Utility Worker I
Hector Marquez- Utility Worker I

Retirements

Karl Bjarke- Engineering & Utilities Director
Joni Evans- Sr. Human Resources Analyst

She announced that the American Association of University Women (AAUW) is hosting an event “Tips for Civic Engagement” at the Library on Tuesday, February 27th at 7:00 pm.

She shared that Friday, February 16th, we hosted Leadership Morgan Hill’s Local and Regional Government day. She gave the program a shout out. The Leadership Morgan Hill program has classes each year with up to 25 participants. They learn leadership skills, both hard and soft skills, about our community, and about local, regional, and state government. The purpose of the program is for the participants to learn about our community and all the ways they can get involved.

With the Chamber of Commerce, the City participated in two events. The first event was Rock the Mock. This is an event in which high school students from our three high schools participate in mock interviews with members of the community. This gives them the opportunity to prepare for interviews and to help better prepare them for their future. The second event was the Shadowing Day, where students get to job shadow in both private and public sector to experience what certain jobs are like.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that last week High Speed Rail (HSR) was conducting some test boring to gather geological samples along the Monterey Road alignment. They previously gathered this information for the HWY 101 alignment through work that Caltrans had done. They assured us that they have not selected a preferred alignment. They don't anticipate announcing their preferred alignment until June.

We are currently negotiating a Cooperative Agreement with HSR regarding who will cover the costs if HSR needs to move city roads, utilities or other city infrastructure in order to accommodate the HSR project. He has notified HSR that he will not be ready to bring the agreement to the City Council until June after they announce their preferred alignment.

He shared that about two years ago, the Interim City Attorney Gary Baum, undertook a project to review and revise provisions of our Municipal Code related to enforcement. He anticipates bringing it to Council at one of the next two City Council meetings. His goal is to get that out an extra four or five days ahead of

the City Council Agenda to provide the City Council and public with enough time to review the extensive changes.

OTHER REPORTS

Council Member Carr shared his heartfelt thoughts and condolences for those impacted by the shooting in Florida last week. Last night he attended a peace vigil, along with the Mayor. He commented that the young people there were inspiring in sharing their hopes and fears and that the actions of young people across the country have been inspiring to him. He feels that the older generations have let our youth down. He wants Morgan Hill to say and do something. He recognizes that California has some of the strictest gun control laws in the country but feels that Morgan Hill can say something. He has shared a variety of resolution ideas with the City Attorney and will be asking that this be agendized for a future meeting.

Mayor Tate announced that he will be giving the State of the City Address tomorrow night at 7:00 pm in the Council Chamber. He encouraged the community to attend.

PRESENTATIONS

YAC PRESENTATION- ASSET #1 - FAMILY SUPPORT

RECOGNITIONS

Teammate Recognitions - Loving and Learning Center Pilot Program

Chiquy Mejia
Angie Gonzalez
Margarita Balagso
Erica Corona
Idalia Echegoyen
Monica Delgado

PUBLIC COMMENT

PUBLIC COMMENT SUPPLEMENT

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

Daniel Ayoub

Brian Faircloth

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, Mayor Pro Tem
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz, Spring

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1, 3, 5, and 7 through 15.

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

1. STATION AREA MASTER PLAN PRIORITIZATION OF IMPROVEMENTS

Recommendation:

Accept Station Area Master Plan.

2. ITEM PULLED FOR DISCUSSION

3. RENT CONTROL ANALYSIS

Recommendation:

Receive report.

4. ITEM PULLED FOR DISCUSSION

5. RECOMMENDING LINCOLN FINANCIAL TO PROVIDE GROUP LIFE INSURANCE, DISABILITY, AND ACCIDENTAL DEATH & DISMEMBERMENT COVERAGE

Recommendation:

1. Accept report recommending Lincoln Financial to provide group insurance, disability, and accidental death and dismemberment coverage; and
2. Authorize City Manager to approve a Lincoln Financial group application with an effective date of April 1, 2018.

6. ITEM PULLED FOR DISCUSSION

7. THIRD AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT WITH HARRIS & ASSOCIATES FOR LAND DEVELOPMENT REVIEW

Recommendation:

1. Approve the Third Amendment to the professional service agreement with Harris & Associates for land development review services to increase the fee by \$70,000 for a total not-to-exceed amount of \$245,000 with the term of the agreement unchanged;
2. Authorize the City Manager to execute the Third Amendment; and
3. Adopt resolution approving an amendment to the City's Fiscal Year 2017-18 budget in the Community Development Fund (Fund No. 206) to appropriate \$70,000 for the amendment to the professional service agreement with Harris & Associates.

8. ADOPT ORDINANCE AMENDING CHAPTER 8.20 ("WEED ABATEMENT") OF TITLE 8 ("HEALTH AND SAFETY") OF THE MORGAN HILL MUNICIPAL CODE

Recommendation:

Waive the reading, adopt Ordinance No. 2268, 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.

9. FIRST AMENDMENT TO NEW CINGULAR WIRELESS PCS PROPERTY USE AGREEMENT

Recommendation:

Authorize the City Manager to Execute the First Amendment to New Cingular Wireless PCS's Property Use Agreement.

10. FIRST AMENDMENT TO SPRINT'S PROPERTY USE AGREEMENT

Recommendation:

Authorize the City Manager to Execute the First Amendment to Sprint Spectrum Realty Company's Property Use Agreement.

11. SECOND AMENDMENT TO THE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT FOR GALVAN PARK FOR FY 17-18

Recommendation:

Adopt resolution authorizing the City Manager to negotiate and execute the Second Amendment to the County CDBG contract.

12. APPROVE THE JANUARY 17, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

13. APPROVE THE JANUARY 26, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

14. APPROVE THE JANUARY 27, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

15. APPROVE THE FEBRUARY 7, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

2. APPROVE CITY SPONSORSHIP OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN'S "FUTURE WOMEN LEADERS CONFERENCE" AT THE COMMUNITY AND CULTURAL CENTER

Recommendation:

Authorize the City Manager to waive the rental fee for the use of the Community and Cultural Center for the Morgan Hill Branch of the American Association of University Women's Future Women Leaders Conference on April 14, 2018.

The public comment was opened at 7:30 pm. The following people were called to speak:

Lindsay Hillsland

Brian Faircloth

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

MOTION:

Approving the recommended action.

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

4. ANIMAL SHELTER ADDITIONAL FUNDING

Recommendation:

Adopt resolution approving an amendment to the City's Fiscal Year 2017-18 budget in the General Fund to appropriate \$15,000 for animal services at the San Martin Animal Shelter.

The public comment was opened at 7:34 pm.

Ava Geddes was called to speak.

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

MOTION:

Approving the recommended action.

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

6. CITY SUPPORT OF REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018

Recommendation:

Adopt resolution supporting the Reducing Crime and Keeping California Safe Act of 2018.

Council Member Carr abstained from voting on this item as he has been working on this initiative.

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

16. CONTINUED INTERVIEWS TO FILL THREE (3) VACANCIES ON THE LIBRARY, CULTURE, AND ARTS COMMISSION AND FOUR (4) VACANCIES ON THE PARKS AND RECREATION COMMISSION

Recommendation:

1. Discuss the characteristics/traits that a successful applicant(s) would possess;
2. Conduct Interview;
3. Identify top applicant(s) and provide recommendation to the Mayor; and
4. Discuss and/or appoint applicant(s).

Mayor Tate provided the report.

The City Council interviewed Bob Benich for the Library, Culture, and Arts Commission.

The public comment was opened at 7:40 pm.

Kathy Sullivan was called to speak.

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

Council moved to item 17 while the vote tallying was completed.

Discussion on this item resumed after the completion of item 17.

MOTION:

Appointing LaRene Green, Ron Locicero, Craig van Keulen, and Maureen Grzan-Pieracci to the Parks and Recreation Commission.

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

MOTION:

Appointing Bob Benich, Brigitte Crawford, and Paul Lake to the Library, Culture, and Arts Commission.

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

PUBLIC HEARING

17. ZA2017-0010, DA2017-0006: MONTEREY-UHC- AMENDMENT TO EXISTING PLANNED DEVELOPMENT AND CONSIDERATION OF A DEVELOPMENT AGREEMENT FOR PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBERS 817-36-032 AND 817-36-033 LOCATED AT 16800-16840 MONTEREY ROAD.

Recommendation:

1. Open/close public hearing on Zoning Amendment and Development Agreement Request;
2. Waive first and second reading of Zoning Amendment Ordinance;
3. Introduce Zoning Amendment Ordinance;
4. Waive first and second reading of Development Agreement Ordinance; and,
5. Introduce Development Agreement Ordinance.

Community Development Director Jennifer Carman provided the report.

The public comment was opened at 7:48 pm.

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

MOTION:

Waiving the first and second reading of the Zoning Amendment Ordinance keeping in mind that the City Council has considered all the negative declarations and addendums.

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

MOTION:

Introducing the Zoning Amendment Ordinance.

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

MOTION:

Waiving the first and second reading of the Development Agreement Ordinance.

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

MOTION:

Introducing the Development Agreement Ordinance.

The meeting went into recess at 8:02 pm

The meeting was reconvened at 8:09 pm

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

**18. RESOLUTION OF INTENT TO HOLD SPECIAL BALLOT PROCEEDING FOR
SANDALWOOD SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT
NUMBER 1**

Recommendation:

Open/Close public hearing and adopt resolution of intent.

Interim Deputy City Manager Chris Ghione provided the report.

The public comment was opened at 8:14 pm.

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

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

OTHER BUSINESS

19. DECEMBER 2017 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

Finance Director Dat Nguyen provided the report.

The public comment was opened at 8:23 pm.

There being no 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, Constantine, Carr, Jachimowicz, Spring

20. MODIFICATION TO THE DEVELOPMENT IMPACT FEE FREEZE PROGRAM

Recommendation:

Adopt resolution amending Resolution 17-052 freezing development impact fees to Fiscal Year 16/17 schedule through Fiscal Year FY 19/20 to stimulate construction of certain qualified Economic Development job and/or revenue creating developments.

Economic Development Coordinator John Lang provided the report.

The public comment was opened at 8:35 pm.

Brian Sullivan was called to speak.

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

MOTION:

Approving the recommended action.

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

21. A FIRE FALSE ALARM ORDINANCE TO ESTABLISH FIRE ALARM REGULATIONS IN A NEW CHAPTER 8.49 AND AN ORDINANCE TO REVISE THE BURGLARY AND ROBBERY ALARM REGULATIONS IN CHAPTER 8.48, AND ESTABLISH A RECONNECTION FEE FOR DISCONNECTED FIRE ALARM SYSTEMS

Recommendation:

1. Open/close public hearing on the Fire Alarm Regulations Ordinance and the Burglary and Robbery Alarm Regulations Ordinance;
2. Waive the first and second reading of the Fire Alarm Regulations Ordinance;
3. Introduce the Fire Alarm Regulations Ordinance;
4. Waive the first and second reading of the Burglary and Robbery Alarm Regulations Ordinance;
5. Introduce the Burglary and Robbery Alarm Regulations Ordinance; and
6. Adopt a resolution establishing a fire reconnection fee.

City Attorney Donald Larkin provided the report. Fire Chief Derek Witmer and Police Chief David Swing answered questions.

The public comment was opened at 8:42 pm.

Brian Faircloth was called to speak.

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

MOTION:

Waiving the first and second reading of the Fire Alarm Regulations Ordinance.

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

MOTION:

Introducing the Fire Alarm Regulations Ordinance.

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

MOTION:

Waiving the first and second reading of the Burglary and Robbery Alarm Regulations Ordinance.

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

MOTION:

Introducing the Burglary and Robbery Alarm Regulations Ordinance.

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

MOTION:

Adopting resolution establishing a fire reconnection fee.

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

22. 2018 SANITARY SEWER MANAGEMENT PLAN

Recommendation:

Adopt resolution approving the 2018 Sanitary Sewer Management Plan (SSMP).

Deputy Director of Utility Services Dan Repp provided the report.

The public comment was opened at 9:06 pm.

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

MOTION:

Approving the recommended action.

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

23. DOWNTOWN SPECIAL EVENTS AND STREET CLOSURES

Recommendation:

Approve the proposed revised Downtown Special Events Street Closure Policy.

Interim Deputy City Manager Chris Ghione provided the report.

The public comment was opened at 9:37 pm.

Brian Faircloth was called to speak.

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

MOTION:

Approving the proposed policy with the following changes; add language to event areas to include public parking lots that need to be kept orderly and clean, eliminate the requirement of hired security professionals to maintain the parking spots for the home owners, event organizers are required to ensure that the home owner parking spots are kept open through signage and/or volunteers, event organizers are responsible to make sure that home owners can get to the designated parking spots and if the home owner can present a medical requirement for assistance that the event organizer is required to provide that assistance, and to bring the policy back to the City Council for review after the summer.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Carr requested that staff bring forward an item regarding gun control.

Council Member Carr would like the City Council to consider supporting Proposition 69 which is coming up on the June ballot.

Council Member Carr would like the City Council to take an early position opposing any attempts to repeal Senate Bill 1.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 9:53 pm.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 9:53 pm.

Pursuant to:	Government Code Section 54956.8
Property:	81716009, 1625 Fisher Ave.
Negotiating Parties:	Chris Ghione, City of Morgan Hill; Estate of Patricia M. Giordano, Trustee
Under Negotiation:	Price and Terms of Payment

RECONVENE

The meeting was reconvened at 10:05 pm.

CLOSED SESSION ANNOUNCEMENT

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

ADJOURNMENT

The meeting was adjourned at 10:05 pm.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk