CITY OF MORGAN HILL

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, March 7, 2018 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

TELECONFERENCE

Mayor Tate participated in the regular meeting via teleconference as follows:

Mayor Steve Tate
4610 North 68th Street, Unit 438
Scottsdale, AZ 85251

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 Pro Tem Constantine 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	Remote	
Rich Constantine	Mayor Pro Tem	Present	
Larry Carr	Council Member	Present	
Caitlin Jachimowicz	Council Member	Absent	
Rene Spring	Council Member	Present	

DECLARATION OF POSTING AGENDA

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

Mayor Tate declared the posting of the agenda at his teleconference location.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

None.

CITY MANAGER'S REPORT

City Manager Christina Turner announced that Council Member Caitlin Robinett Jachimowicz and her family welcomed their new baby boy, Griffin Nathaniel Robinett Jachimowicz.

She announced that the American Association of University Women (AAUW) hosted a workshop last week called "Learn How to Build a Successful Campaign." The video for that workshop can be found on the City's You Tube Channel.

She shared that on March 26, 2018 at 7:00 pm in the Council Chamber, the City will be holding a gray water workshop where you can learn how to safely reuse water from washing machines. More information is available on our website.

She highlighted that Open Counter is a new permitting software that is now live. It is a portal that allows members of the community, business as well as residential, to come in or from the comforts of their home, research potential permitting that they may want to do. The portal has a variety of matrices it can track. Since January 1, 2018, the portal has had 2,940 visits. Additionally, it has saved 42 hours of staff time and 401 projects have been started using the portal.

She concluded by speaking to the evening's supplements and presentations.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no report.

OTHER REPORTS

None.

PROCLAMATIONS

Proclaiming the month of March 2018 as Youth Art Month

Proclaiming the month of March 2018 as American Red Cross Month

Proclaiming April 5-8, 2018 as Poppy Jasper International Film Festival Days

POPPY JASPER INTERNATIONAL FILM FESTIVAL PRESENTATION

AMERICAN RED CROSS PRESENTATION

PRESENTATIONS

RELAY FOR LIFE PRESENTATION

YAC PRESENTATION- ASSET #14- ADULT ROLE MODELS

PUBLIC COMMENT

The public comment was opened at 7:35 pm.

Swanee Edwards was called to speak.

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda continuing item 20 to the April 4, 2018 City Council meeting and removing the closed session from the agenda.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 2, 3, 5 through 7, and 9 through 17.

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

1. ITEM PULLED FOR DISCUSSION

2. APPROVE CITY SPONSORSHIP OF 2018 MORGAN HILL COMMUNITY FOUNDATION'S PHILANTHROPY DAY EVENT 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 Community Foundation’s Philanthropy Day Event on November 9, 2018.

3. RESOLUTION ADDING A PROPERTY ASSESSED CLEAN ENERGY PROVIDER

Recommendation:

Adopt resolution authorizing the California Municipal Finance Authority (CMFA) Open Property Assessed Clean Energy ("PACE") Program to operate in Morgan Hill.

4. ITEM PULLED FOR DISCUSSION

5. COMMAND VEHICLE APPROPRIATION

Recommendation:

Adopt resolution approving an amendment to the City's Fiscal Year 2017-18 budget in the general fund appropriating $699,186 for the purchase of a grant funded public safety command vehicle.

6. PURCHASE OF A CCTV SEWER INSPECTION TRUCK

Recommendation:

1. Authorize the City Manager to approve the purchase of a Closed Circuit Television Video (CCTV) inspection truck with RST/Subsite Electronics Inc. in the estimated amount of $170,000;
2. Determine that a competitive bid process will not likely result in lower pricing; and
3. Adopt resolution appropriating $129,000 from the Equipment Replacement Fund (Sewer Reserves) towards the purchase of new CCTV inspection truck.

7. PROFESSIONAL SERVICES AGREEMENT WITH CSG CONSULTANTS, INC. TO PROVIDE INSPECTION SERVICES AND PLAN CHECK/REVIEW ASSISTANCE

Recommendation:

Adopt resolution approving the following:

1. Amend the City's Fiscal Year 2017-18 budget for Building and Land Development Engineering Divisions in the Community Development Fund, to appropriate an additional $150,000 for plan check/review services; and
2. Approve a professional services agreement with CSG Consultants, Inc. to provide Building and Land Development Engineering inspection and plan check/review services and public works inspection for 24 months in an amount not to exceed $1,250,000.

8. ITEM PULLED FOR DISCUSSION

9. SECOND AMENDMENT TO WEST COAST ARBORIST, INC. AGREEMENT FOR CITYWIDE TREE SERVICES

Recommendation:

Approve the Second Amendment to the Maintenance Service Agreement with West Coast Arborist.

10. SECOND AMENDMENT TO AGREEMENT WITH ASSOCIATED RIGHT OF WAY SERVICES, INC. FOR THE HALE AVENUE EXTENSION PROJECT

Recommendation:

Approve and authorize the City Manager to execute a Second Amendment to agreement with Associated Right of Way Services, Inc. in the amount of $25,000, for a total contract amount not to exceed $170,000 to continue with property acquisition efforts for the Hale Avenue Extension Project.

11. APPROVE THIRD AMENDMENT TO BURR PLUMBING AND PUMPING, INC. AGREEMENT

Recommendation:

Approve the Third Amendment to the Maintenance Service Agreement with Burr Plumbing and Pumping, Inc.

12. GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT

Recommendation:

Adopt resolution accepting the 2017 General Plan and Housing Element Annual Progress Report and directing staff to file the report with the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

13. ADOPT ORDINANCE APPROVING ZONING AMENDMENT ZA2017-0010 FOR THE CC-R-(PD) PLANNED DEVELOPMENT OVERLAY DISTRICT AND PRECISE DEVELOPMENT PLAN FOR A 39-UNIT AFFORDABLE RESIDENTIAL DEVELOPMENT TO BE LOCATED ON A 1.62-ACRE SITE LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MONTEREY ROAD AND BISCEGLIA AVENUE (APN 817-36-032 AND 817-36-033)

Recommendation:

Waive the reading, adopt Ordinance No. 2269, 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.

14. ADOPT ORDINANCE APPROVING DEVELOPMENT AGREEMENT DA2017-0006: MONTEREY-UHC FOR A 39-UNIT AFFORDABLE RESIDENTIAL DEVELOPMENT ON A 1.62-ACRE SITE LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF MONTEREY ROAD AND BISCEGLIA AVENUE. (APN 817-36-032 AND 033)

Recommendation:

Waive the reading, adopt Ordinance No. 2270, 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.

15. ADOPT ORDINANCE ADDING CHAPTER 8.49 (FIRE ALARM REGULATIONS) TO TITLE 8 (HEALTH AND SAFETY) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL TO REQUIRE FINES FOR NUISANCE AND EXCESSIVE FALSE FIRE ALARMS

Recommendation:

Waive the reading, adopt Ordinance No. 2271, 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.

16. ADOPT ORDINANCE AMENDING CHAPTER 8.48 (BURGLARY AND ROBBERY ALARM SYSTEM REGULATIONS) OF TITLE 8 (HEALTH AND SAFETY) OF THE MORGAN HILL MUNICIPAL CODE TO CLARIFY CERTAIN TERMS AND RESPONSIBILITIES OF ALARM SYSTEM OWNERS AND OPERATORS, DELETE REGISTRATION REQUIREMENTS, AND TO UPDATE ENFORCEMENT PROCEDURES

Recommendation:

Waive the reading, adopt Ordinance No. 2272, 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.

17. APPROVE THE FEBRUARY 21, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

1. ADOPT A RESOLUTION ENCOURAGING THE ANNUAL CELEBRATION OF THE MONTH OF JUNE AS LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER/QUESTIONING PRIDE MONTH

Recommendation:

1. Adopt resolution encouraging the annual celebration of the month of June as Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning Pride Month; and
2. Authorize the display of the Pride flag at City Hall, the Centennial Recreation Center, and Community and Cultural Center annually during the month of June to commemorate Pride Month.

The public comment was opened at 7:40 pm.
Brian Faircloth 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:	Larry Carr, Council Member
AYES:	Tate, Constantine, Carr, Spring
ABSENT:	Jachimowicz

4. ACCEPTANCE OF EASEMENT IN ASSOCIATION WITH WATER DISTRICT ACQUISITION OF LAKE SILVEIRA

Recommendation:

Authorize the City Manager to execute, administer, and further negotiate a conservation easement agreement and related documents for recreational use of certain areas of Lake Silveira to support the purchase of property by the Santa Clara Valley Water District.

The public comment was opened at 7:47 pm.
Rocke Garcia was called to speak.
There being no further requests to speak, the public comment was closed.

MOTION:
Approving the recommended action.

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

8. APPROVAL OF IMPROVEMENT AGREEMENT WITH SUNSWEET

Recommendation:

1. Approve an Improvement Agreement with Sunsweet Morgan Hill LLC;
2. Authorize the City Manager to execute the Improvement Agreement;
3. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
4. Authorize the recordation of the Improvement Agreement and the Stormwater BMP Operation and Maintenance Agreement.

The public comment was opened at 7:50 pm.
Rocke Garcia was called to speak.
There being no further requests to speak, the public comment was closed.

MOTION:
Approving the recommended action.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Steve Tate, Mayor
SECONDER:	Larry Carr, Council Member
AYES:	Tate, Constantine, Carr, Spring
ABSENT:	Jachimowicz

PUBLIC HEARING

18. ZA2017-0007, DA2017-0003, SD2016-0009, EA2016-0009: E. DUNNE-KYONO - ZONING AMENDMENT FOR PLANNED DEVELOPMENT, DEVELOPMENT AGREEMENT, AND NON-VESTING TENTATIVE MAP FOR PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 726-02-014 LOCATED AT 505 E. DUNNE AVENUE

Recommendation:

Open/close the public hearing and continue the project to the April 18, 2018 City Council meeting.

City Attorney Donald Larkin excused himself from the dais.

City Manager Christina Turner provided the report.

The public comment was opened at 7:52 pm.
There being no requests to speak, the public comment was closed

MOTION:
Continuing the item to the April 18, 2018 City Council meeting.

RESULT:	**CONTINUED TO A FUTURE MEETING [UNANIMOUS]**
MOVER:	Larry Carr, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	Tate, Constantine, Carr, Spring
ABSENT:	Jachimowicz

OTHER BUSINESS

19. ADOPT RESOLUTION CONDEMNING GUN VIOLENCE

Recommendation:

1. Adopt resolution condemning gun violence; and
2. Direct staff to return with specific actions to help prevent future gun violence.

City Attorney Donald Larkin resumed his seat at the dais and presented the report.

The public comment was opened at 8:05 pm. The following people were called to speak:
Brian Faircloth
Ken Murray
Nicola
John
Anthony
Christian
Allison
Michelle
There being no further requests to speak, the public comment was closed.

The meeting went into recess at 8:20 pm.
The meeting was reconvened at 8:28 pm.

MOTION:
Approving the recommended action.

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

20. APPROPRIATE FUNDS FOR HIGH SPEED RAIL CONSULTANT AGREEMENTS

Recommendation:

1. Adopt resolution approving an amendment to the City's Fiscal Year 2017-18 budget appropriating $323,019 from the Long Range Planning Fund for expenses associated with the High Speed Rail Project; and
2. Direct staff to put on hold the contract with Urban Field Studios.

Item continued through the adoption of the agenda to the April 4, 2018 City Council meeting.

RESULT:	**NO ACTION TAKEN**

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring requested that staff follow up with the residents in San Martin that were affected by the sewer spill that took place last winter.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:45 pm in honor of Griffin Nathaniel Robinett Jachimowicz.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk