



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, April 4, 2018 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

TELECONFERENCE

Council Member Caitlin Jachimowicz participated in the City Council meeting via teleconference as follows:

17292 Tassajara Circle
Morgan Hill, CA 95037

Public comment from this location was allowed.

CALL TO ORDER

Mayor Tate called the meeting to order at 7:01 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	Remote	
Rene Spring	Council Member	Present	

DECLARATION OF POSTING AGENDA

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

Council Member Jachimowicz declared the posting of the agenda at her location.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring shared that he was invited and attended the inauguration of the U15 Cricket League at the Outdoor Sports Complex last Saturday. He really enjoyed the experience and encouraged children who want to try a different sport to check it out. He expressed that it is another example of how diverse our community is. He continued by sharing that early in the day last Saturday, he celebrated Cesar Chavez's birthday which was a great event. He commented that it is another demonstration of the diversity in our community and South County. He congratulated Council Member Constantine on his receipt of an award that was presented to him at the Cesar Chavez event.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She congratulated Morgan Hill's Police Chief David Swing who was recently sworn in as the California Police Chiefs Association President. She also recognized officer Santiago Fierro, our canine handler. He switched his schedule to go to day shifts so that he could visit the elementary schools. Through his contacts he has reached over 500 students and teachers. She reminded the community that the Poppy Jasper Film Festival starts tomorrow and runs through Sunday. You can visit their website at www.pjiff.org for more information. She concluded by sharing that effective April 1st the irrigation schedules within the city were changed back to three days per week. You can visit our website at www.morganhill.ca.gov for more details.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin shared that the High Speed Rail (HSR) Draft Business Plan was published on March 9th and they are taking comments on the plan through May 2nd. We will be coming back to the City Council on April 18th with a comprehensive analysis and recommendations for what we think the City's position should be. The plan is dramatically different from what we have seen before, but we think we can align it with the principals that the Council has already established. We are hoping to have representatives from HSR available at the April 18th City Council meeting to give a presentation on the plan and to respond to our questions, however as you may know, Ben Tripousis is no longer with HSR and they have not yet named a replacement. It is unclear if they will have someone available. The most significant change in the plan for Morgan Hill, if the plan is adopted and if HSR does what's in the plan, is that instead of using either of the two previously identified alignments, they would use a blended system with Caltrain through to Gilroy and use the existing right-of-way. Their plan is to complete that segment in the next four years. Another significant change is that the plan does not identify funding for the tunnels under Pacheco Pass so there is no connection between Gilroy and Madera. It also does not identify funding for the segment between Madera and Merced. So, as it stands now, it appears that HSR is planning to run two separate lines; one between San Francisco and Gilroy and one between Madera and Bakersfield.

OTHER REPORTS

Council Member Constantine shared that today marks 50 years since the assassination of Reverend Dr. Martin Luther King Jr. The lessons that he taught of peaceful civil disobedience can still be seen today

with the protests that are taking place with the students from Parkland, Florida. The lessons that he taught us are as prevalent and poignant today as they were 50 years ago. It is incumbent upon all of us to fight for justice. It reminds me of a quote "You must stand for something, or you will fall for anything." He asked the community to please remember Dr. Martin Luther King Jr. today. Long live the dream.

PRESENTATIONS

Silicon Valley Water Conservation Award Presentation

Legislative Update- Seth Miller, the League of California Cities

PUBLIC COMMENT

The public comment was opened at 7:19 pm. The following people were called to speak:

Roland Lebrun

Phil Couchee

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1, 3, 4 and 7 through 10.

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

1. RESOLUTION OF LOCAL SUPPORT FOR MTC DISCRETIONARY FUNDING PROGRAMS

Recommendation:

1. Adopt resolution of local support for the Metropolitan Transportation Commission (MTC) Discretionary Funding program;
2. Authorize the filing of an application for One Bay Area Grant (OBAG II) Funds; and
3. Commit City matching funds of \$300,000 from the Street Capital Improvement Program (CIP) Fund (308).

2. ITEM PULLED FOR DISCUSSION

3. AWARD LIFT STATIONS J & W

Recommendation:

1. Approve Sanitary Sewer Lift Stations J & W Rehabilitation Project plans and specifications;
2. Award contract to Pacific Infrastructure Corporation for the Sanitary Sewer Lift Stations J & W Rehabilitation Project in the amount of \$1,153,000;
3. Authorize expenditure of construction contingency funds not to exceed \$115,300; and
4. Authorize the City Manager to execute and administer the construction contract with Pacific Infrastructure Corporation.

4. APPROVAL OF STORMWATER BEST MANAGEMENT PRACTICES (BMP) OPERATION AND MAINTENANCE AGREEMENT FOR CANDELARIA RESIDENTIAL PROJECT LOCATED AT 1190 CASTLE LAKE CIRCLE (APN: 764-30-006)

Recommendation:

1. Approve a Stormwater Best Management Practices (BMP) Operation and Maintenance Agreement for the Candelaria Residential Project located at 1190 Castle Lake Circle (APN: 764-30-006); and
2. Authorize the City Manager to execute the Stormwater BMP Operation and Maintenance Agreement pending review and approval by the City Attorney.

5. ITEM PULLED FOR DISCUSSION

6. ITEM PULLED FOR SEPARATE VOTE

Separate Vote Taken.

7. ACCEPT AMENDED ANNUAL HOUSING ELEMENT PROGRESS REPORT

Recommendation:

Accept the Amended Annual Housing Element Progress Report.

8. JANUARY 2018 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

9. ADOPT RESOLUTION CONSENTING TO DISSOLUTION OF CORP YARD COMMISSION

Recommendation:

Adopt Resolution consenting to termination of a Joint Powers Agreement with the Morgan Hill Unified School District and dissolving the joint Corporation Yard Commission.

10. APPROVE THE MARCH 7, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

2. ACCEPT \$40,000 DONATION FROM FRIENDS OF THE MORGAN HILL SENIOR CENTER

Recommendation:

Accept a \$40,000 grant from the Friends of the Morgan Hill Senior Center.

Council Member Spring thanked the Friends of the Morgan Hill Senior Center for their donation.

On behalf of the Senior Center, Older Adult Services Supervisor Debbie Vasquez thanked the Friends of the Senior Center. She shared that they have done an incredible job of supporting the center with over 40 volunteers that work every Tuesday night and have contributed money not only towards the operating costs, but also to the endowment fund.

MOTION:

Approving the recommended action.

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

5. REJECT ALL BIDS FOR THE PLAYGROUND ENHANCEMENTS AT JACKSON PARK

Recommendation:

Reject all bids for the playground enhancements at Jackson Park.

MOTION:

Approving the recommended action.

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

ITEMS PULLED FOR SEPARATE VOTE

6. ACQUISITION BY HOUSING FUND (FUND 236) OF 17545 DEPOT STREET, APN 726-14-041

Recommendation:

Adopt resolution authorizing the acquisition of 17545 Depot Street for the assembly of property to support a future affordable housing development for an amount not to exceed \$925,000.

MOTION:

Approving the recommended action.

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

PUBLIC HEARING

11. OPPORTUNITY TO PROVIDE PUBLIC COMMENT REGARDING SANDALWOOD SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

Provide opportunity for the public to be heard on the matter of the planned increase in the assessment in the Sandalwood Subarea.

Program Administrator Tony Eulo presented the report.

The public hearing was opened at 7:33 pm.
There being no requests to speak, the public hearing was closed.

RESULT:	NO ACTION TAKEN
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12. SOLID WASTE MANAGEMENT RATE ADJUSTMENT FOR 2018

Recommendation:

Adopt resolution approving an adjustment in the maximum allowable solid waste charges effective July 1, 2018.

Program Administrator Tony Eulo presented the report. General Manager of Recology South Valley Phil Couchee provided technical details regarding the rate increases.

The public hearing was opened at 7:36 pm.
John Horner was called to speak.
There being no further requests to speak, the public hearing was closed.

MOTION:

Approving the recommended action.

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

13. ENERGY SERVICES AGREEMENT WITH CARBON LIGHTHOUSE

Recommendation:

1. Open/Close public hearing; and
2. Adopt resolution approving award of an energy services agreement to Carbon Lighthouse, Inc. in the amount of \$82,100 subject to the review and approval of the City Attorney.

Program Administrator Tony Eulo presented the report.

The public hearing was opened at 7:44 pm.

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

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

14. BOOKSMART UPDATE AND FINANCIAL REQUEST

Recommendation:

1. Accept report; and
2. Provide direction on whether staff should proceed with reviewing potential options for the City's financial support of BookSmart.

Assistant City Manager Leslie Little presented the report.

Mayor Tate called a recess at 8:05 pm.

The meeting was reconvened at 8:12pm.

The public comment was opened at 8:15 pm. The following people were called to speak:

Nick Gaich
Craig Lore
Kim Cooke
Brian Sullivan
Jerri Kuehn
Teresa Stephenson
Suman Ganapathy
Juliet Smith

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

MOTION:

Directing staff to proceed with a review of potential options for the City's financial support of Booksmart.

RESULT:	DIRECTED [3 TO 2]
MOVER:	Larry Carr, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Carr, Jachimowicz, Spring
NAYS:	Tate, Constantine

15. MONTEREY CORRIDOR MARKET STUDY AND IMPLEMENTATION OPTIONS

Recommendation:

1. Receive presentation on the Monterey Corridor Market Study and Implementation Recommendations; and
2. Consider and provide direction to staff on Planning Commission's Monterey Corridor Implementation Recommendation.

Interim Principal Planner John Baty, along with, Jen Dougherty and Lisa Wise from Lisa Wise Consulting presented the report.

The public comment was opened at 9:32 pm. The following people were called to speak:

Jason Bernstein

John Horner

John Telfer

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

Mayor Tate called a recess 10:06 pm.

The meeting was reconvened at 10:10 pm.

RESULT:	NO ACTION TAKEN
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16. PROVIDE DIRECTION REGARDING THE OUTDOOR SPORTS CENTER OPERATOR SELECTION

Recommendation:

1. Direct staff to negotiate an agreement with NewCo for operation of the Outdoor Sports Center; and
2. Provide direction on any additional agreement considerations the Council may have, in addition to those already established in the guiding principles and outcomes outlined in the Request for Proposals.

Interim Deputy City Manager Chris Ghione presented the report. Lisa Schmidt with NewCo provided additional information.

The public comment was opened at 10:28 pm.

Jeff Dixon was called to speak.

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

MOTION:

Approving the recommended action.

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

17. APPROVE FIFTH AMENDMENT TO MORGAN HILL YOUTH SPORTS ALLIANCE CONCESSIONAIRE AGREEMENT

Recommendation:

Authorize the City Manager to execute and subsequently administer a Fifth Amendment to the Concessionaire Agreement with the Morgan Hill Youth Sports Alliance for the operations of the Outdoor Sports Center.

Interim Deputy City Manager Chris Ghione presented the report.

The public comment was opened at 10:41 pm.

Jeff Dixon was called to speak.

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

MOTION:

Approving the recommended action.

RESULT:	AUTHORIZED [3 TO 2]
MOVER:	Larry Carr, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Carr, Jachimowicz
NAYS:	Constantine, Spring

18. 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.

Council Member Carr excused himself from the dais.

Economic Development Director Edith Ramirez presented the report.

The public comment was opened at 10:47 pm.

Rolund Lebrun was called to speak.

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

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
RECUSED:	Carr

Council Member Carr resumed his seat at the dais.

MOTION:

Extending the meeting to 11:30 pm.

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

19. FRANCHISE TOW AGREEMENTS

Recommendation:

1. Approve Tow Program Agreements with California Tow and Salvage and Community Tow; and
2. Authorize the City Manager to execute the Agreements.

Administrative Sergeant Carlos Guerrero presented the report.

The public comment was opened at 10:54 pm.

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

MOTION:

Approving the recommended action.

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

20. ACQUISITION OF THE 17760 MCLAUGHLIN COURT BELOW MARKET RATE (BMR) HOME BY THE CITY HOUSING FUND

Recommendation:

Adopt resolution:

1. Authorizing Acquisition of the Moderate, Below Market Rate (BMR) Home located at 17760 McLaughlin Court, Morgan Hill, CA 95037 to re-sell to an income-eligible buyer, preserving the unit within the City's affordable housing inventory and extending the affordability covenants; and
2. Approving an amendment to the City's Fiscal Year 2017-18 budget, appropriating \$564,043 from the Housing Fund (255) for expenses associated with the acquisition and rehabilitation of the home located at 17760 McLaughlin Court.

Assistant City Manager Leslie Little presented the report.

The public comment was opened at 10:58 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:	Rene Spring, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz, Spring

21. UNCODIFIED ORDINANCE REAUTHORIZING CHAPTER 5.21 - STATE VIDEO FRANCHISES OF THE MORGAN HILL MUNICIPAL CODE

Recommendation:

1. Waive the first reading of the Ordinance; and
2. Introduce Ordinance reaffirming and reauthorizing Chapter 5.21 – State Video Franchises of the Morgan Hill Municipal Code.

City Attorney Donald Larkin presented the report.

The public comment was opened at 11:00 pm.

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

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Constantine requested an update on the PL 566 flood control progress.

ADJOURNMENT

There being no further business the meeting was adjourned at 11:01 pm.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk