



**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 18, 2018 6:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

SPECIAL/REGULAR MEETING

(6:00 pm Closed Session/ 7:00 pm Regular Meeting)

SPECIAL MEETING

6:00 pm

CALL TO ORDER

Mayor Tate called the special meeting to order at 6:00 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	Late	6:12 PM
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.

CLOSED SESSION

CLOSED SESSION ANNOUNCEMENT

City Attorney Donald Larkin announced the closed session item.

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Tate opened the public comment at 6:01 pm.

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

ADJOURN TO CLOSED SESSION

The special meeting adjourned to closed session at 6:01 pm.

CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators	Christina Turner City Manager; Cindy Murphy Assistant City Manager for Administrative Services; Michelle Katsuyoshi Human Resources Director
Employee Organization:	Morgan Hill Police Officers Association Employees Covered under Management Resolution #17-042 AFSCME Local 101 Morgan Hill Community Service Officers Association

REGULAR MEETING

7:00 pm

The regular meeting was convened at 7:00 pm.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Mayor Pro Tem Constantine spoke about his work on the Policy Advisory Committee for the Valley Transportation Authority (VTA). He shared that at their monthly meeting members representing Morgan Hill, Gilroy, and the VTA met at Morgan Hill City Hall to discuss transportation issues that affect South County. Caltrain staff members also attended the meeting to discuss their business plan and electrification of the rails south of San Jose. He also shared that Caltrain is looking at having two-way train service all day rather than one direction in the mornings and the other direction in the evenings.

CITY MANAGER'S REPORT

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

that in honor of Earth Day, the City will hold a celebration tomorrow at the Community and Cultural Center from 4:00 to 7:00 pm. The festivities will include games, activities, and arts and crafts. On April 28, the City will hold its Annual Art a la Carte which is a free community wide event designed for kids age 2 to 10 years old. It promotes art, culture, and creative development through a variety of art projects, entertainment, and activities. This year's theme is the environment, "It's easy being green." She also announced the upcoming City Council Budget Workshop on May 18 at 9:00 am in the Council Chamber. She concluded by recapping the morning's multi-agency traffic enforcement operation. There were 33 traffic officers from multiple organizations in town from 7:00 to 10:30 am targeting people speeding, on their cell phones, and those not yielding to pedestrians. Over 100 citations and 25 warnings were issued. This was all in the spirit of safe driving.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that the City Council met in closed session prior to the regular 7:00 pm City Council meeting and that there was no reportable action from the closed session. He also announced that Uvas County Park has re-opened, however, you can only visit the park if you have a reservation.

OTHER REPORTS

Mayor Tate shared that he will be holding a coffee with the Mayor on May 5 from 10:00 to 11:30 am at GVA Coffee Shop downtown.

RECOGNITIONS

Recognizing Lori Paul for her service on the Library, Culture, and Arts Commission and Bill Haskell for his service on the Parks and Recreation Commission.

PRESENTATIONS

YAC PRESENTATION ASSET #9 SERVICE TO OTHERS

PROCLAMATIONS

Proclaiming April 12 - 19, 2018
as
Days of Remembrance of Victims of the Holocaust

PUBLIC COMMENT

Mayor Tate opened the public comment at 7:28 pm. The following people were called to speak:

Malisha Kumar

Brian Faircloth

Roland Lebrun

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 through 6 and 8 through 10.

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

1. AWARD SERVICE AGREEMENT FOR DESIGN PROFESSIONALS TO CSG CONSULTANTS FOR UTILITY INFRASTRUCTURE PROGRAM MANAGEMENT SERVICES

Recommendation:

1. Award Service Agreement for Design Professionals to CSG Consultants to provide Utility Infrastructure Program Management Services for a not to exceed amount of \$520,000; and
2. Authorize the City Manager to execute and administer a Service Agreement for Design Professionals with CSG Consultants for Utility Infrastructure Program Management.

2. AWARD CONTRACT FOR 2018 INFLOW AND INFILTRATION PROJECT

Recommendation:

1. Approve 2018 Inflow and Infiltration Project plans and specifications;
2. Award contract to Pacific Underground Construction for the 2018 Inflow and Infiltration Project in the amount of \$691,850;
3. Authorize expenditure of construction contingency funds not to exceed \$69,185; and
4. Authorize the City Manager to execute and administer the construction contract with Pacific Underground Construction.

3. APPROVE PURCHASE OF TWO 2018 FORD UTILITY TRUCKS & EQUIPMENT

Recommendation:

1. Approve purchase of two utility trucks in the amount of \$189,919.97;
2. Adopt resolution amending the Fiscal Year 2017/18 Budget by appropriating \$25,000 from the Sewer Fund (640) and \$25,000 from the Water Fund (650) as transfers to the Equipment Replacement Fund (790) and appropriating the total \$50,000 for the purchase of two 2018 Ford Utility Trucks and Equipment; and
3. Authorize City Manager to approve purchase order in the amount of \$189,919.97 with National Auto Fleet Group.

4. FIRST AMENDMENT TO SERVICE AGREEMENT FOR DESIGN PROFESSIONALS WITH MARK THOMAS & COMPANY FOR HALE AVENUE EXTENSION PROJECT

Recommendation:

1. Approve First Amendment to Service Agreement for Design Professionals with Mark Thomas & Company for additional scope of services for the Hale Avenue Extension Project for a total not to exceed contract amount of \$494,733; and
2. Authorize the City Manager to execute and administer a First Amendment to Service Agreement for Design Professionals with Mark Thomas & Company for the Hale Avenue Extension Project.

5. FEBRUARY 2018 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

6. RESOLUTION ADDING A PROPERTY ASSESSED CLEAN ENERGY PROVIDER

Recommendation:

Adopt resolution joining the California Enterprise Development Authority (CEDA) as an Associate Member and authorizing CEDA, through Dividend Finance, LLC, to offer their program and levy assessments within the City of Morgan Hill.

7. ITEM PULLED FOR DISCUSSION

8. ADOPT RESOLUTION APPROVING FY2018-19 LIST OF STREET REHABILITATION PROJECTS FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

Recommendation:

Adopt resolution approving a list of street rehabilitation projects funded by SB 1: The Road Repair and Accountability Act.

9. ADOPTION OF AN UNCODIFIED ORDINANCE REAUTHORIZING CHAPTER 5.21 - STATE VIDEO FRANCHISES OF THE MORGAN HILL MUNICIPAL CODE ESTABLISHING FRANCHISE FEES, PEG FEES, AND CUSTOMER SERVICE PENALTIES FOR STATE VIDEO FRANCHISE HOLDERS PROVIDING VIDEO SERVICE WITHIN THE CITY OF MORGAN HILL

Recommendation:

Waive the reading, adopt Ordinance No. 2273, New Series, and declare that the title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

10. APPROVE THE APRIL 4, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEM PULLED FOR DISCUSSION

7. APPROVE RESOLUTION SUPPORTING PROPOSITION 69 ON THE JUNE 2018 BALLOT TO PRESERVE TRANSPORTATION FUNDING, OPPOSING EFFORTS TO REPEAL THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (SB1), AND JOINING THE COALITION TO PROTECT LOCAL TRANSPORTATION IMPROVEMENTS

Recommendation:

Adopt resolution supporting Proposition 69 and opposing the repeal of the "Road Repair and Accountability Act" (SB 1), and join the Coalition to Protect Local Transportation Improvements.

Mayor Tate opened the public comment at 7:36 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:	Rich Constantine, Mayor Pro Tem
SECONDER:	Rene Spring, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz, Spring

OTHER BUSINESS

11. LEADERSHIP MORGAN HILL PUBLIC ART PROPOSAL

Recommendation:

Approve the Leadership Morgan Hill Class of 2018 class project proposal for the coordination of utility box art installation.

Interim Deputy City Manager Chris Ghione presented the report.

The public comment was opened at 7:46 pm.

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

MOTION:

Approving the recommended action.

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

12. PROVIDE COMMENTS AND DIRECTION REGARDING HIGH SPEED RAIL BUSINESS PLAN

Recommendation:

1. Receive update on High Speed Rail's 2018 Business Draft Plan (Draft Plan); and
2. Direct the City Manager to prepare formal comments regarding the Draft Plan on behalf of the City of Morgan Hill.

Council Member Carr excused himself from the dais.

Economic Development Director Edith Ramirez presented the report. She introduced Boris Lipkin with the High Speed Rail Authority who provided the update.

The meeting went into recess at 8:07 pm.

The meeting was reconvened at 8:18 pm.

The public comment was opened at 8:27 pm. The following people were called to speak:

Swanee Edwards

Brian Faircloth

Roland Lebrun

John Sanders

Lesley Miles

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

MOTION:

Approving the recommended action.

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

13. CANNABIS AND TRANSIENT OCCUPANCY TAX COMMUNITY SURVEY RESULTS

Recommendation:

1. Receive report on Cannabis and Transient Occupancy Tax (TOT) Survey administered by Godbe Research; and
2. Discuss next steps.

Council Member Carr resumed his seat at the dais.

City Manager Christina Turner presented the report. She introduced Brian Godbe with Godbe Research who presented the survey results.

The public comment was opened at 9:27 pm. The following people were called to speak:

John Horner

Asit Panwala

Brian Faircloth

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

RESULT:	NO ACTION TAKEN
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14. APPROVE AGREEMENT GRANTING EXCLUSIVE RIGHT TO NEGOTIATE THE REDEVELOPMENT OF HALE LUMBER SITE IN CONJUNCTION WITH VACATION OF 0.29 ACRES OF DEPOT STREET AND REALIGNMENT OF DEPOT STREET TO CHURCH STREET AND EAST DUNNE AVENUE INTERSECTION.

Recommendation:

Approve negotiations with Latala Homes, LLC and property owner to explore a residential development proposal that would require vacating approximately 0.29 acres of Depot Street, requiring a re-alignment of Depot Street to Church Street.

Associate Planner Tiffany Brown along with Development Services Director Jennifer Carman presented the report.

Mayor Tate called a recess at 10:05 pm.
The meeting was reconvened at 10:21 pm.

The public comment was opened at 10:22 pm. The following people were called to speak:

Paul Latala
Rocke Garcia
Brian Sullivan
John Horner
Jeff Dixon

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

MOTION:

Approving the recommended action.

RESULT:	APPROVED [4 TO 1]
MOVER:	Rich Constantine, Mayor Pro Tem
SECONDER:	Larry Carr, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz
NAYS:	Spring

15. ADOPTION OF RESOLUTIONS AND APPROVAL OF AGREEMENTS SUPPORTING THE PURCHASE OF AN AGRICULTURAL CONSERVATION EASEMENT ON FOUNTAIN OAKS RANCH

Recommendation:

1. Adopt resolution approving and supporting the purchase of an agricultural conservation easement (Easement) by the Santa Clara Valley Open Space Authority (Authority) on Fountain Oaks Ranch;
2. Adopt resolution amending the Adopted Fiscal Year 2017-2018 Budget to appropriate \$2,000,000 from the City's Agriculture and Open Space Preservation Fund (Fund 306) for the City's contribution to the Easement purchase;
3. Authorize the City Manager to execute a Funding Agreement with the Authority and Santa Clara County (County) requiring the contribution of up to \$3,000,000 of City funds for the purchase of the Easement subject to further negotiation and the review and approval of the City Attorney; and
4. Authorize the City Manager to execute an agreement or memorandum of understanding with the State of California, Authority, and County apportioning the mitigation credits associated with the Easement proportionally among the parties funding the purchase of the Easement subject to further negotiation and the review and approval of the City Attorney.

Program Administrator Tony Eulo presented the report.

The public comment was opened at 10:48 pm.
There being no requests to speak, the public comment was closed.

MOTION:

Approving the recommended actions.

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

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

PUBLIC HEARING

16. PUBLIC HEARING AND BALLOT TABULATION FOR SANDALWOOD SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

1. Open public hearing;
2. Accept public input on ballot proceeding;
3. Announce close of public hearing is pending – Any property owner wishing to withdraw their ballot must do so now;
4. Announce close of public hearing is pending – Any property owner wishing to submit a ballot must do so now;
5. Close public hearing;
6. Take ten-minute recess for ballot tabulation;
7. Accept verbal report from Deputy City Clerk on ballot tabulation results; and
8. Adopt Resolution A or B certifying the ballot proceeding results.

Program Administrator Tony Eulo presented the report.

The public hearing was opened at 10:50 pm.

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

The Council heard item 17 while the ballots were being tabulated.

MOTION:

Adopting resolution A certifying the ballot proceeding results.

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

17. ZA2017-0007, DA2017-0003: E. DUNNE-KYONO (FORMERLY E. DUNNE MANA) - ZONING AMENDMENT AND DEVELOPMENT AGREEMENT FOR A 32 LOT SUBDIVISION, IDENTIFIED BY ASSESSOR PARCEL NUMBER 726-02-014 LOCATED AT 505 E. DUNNE AVENUE

Recommendation:

1. Open and close public hearing;
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.

Principal Planner Gina Paolini presented the report.

The public hearing was opened at 11:03 pm.

Dick Oliver was called to speak.

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

MOTION:

Waiving the first and second reading of the Zoning Amendment ordinance.

RESULT:	WAIVED [4 TO 1]
MOVER:	Rich Constantine, Mayor Pro Tem
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz
NAYS:	Spring

MOTION:

Introducing the Zoning Amendment Ordinance.

RESULT:	INTRODUCED [4 TO 1]
MOVER:	Rich Constantine, Mayor Pro Tem
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz
NAYS:	Spring

MOTION:

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

RESULT:	WAIVED [4 TO 1]
MOVER:	Rich Constantine, Mayor Pro Tem
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz
NAYS:	Spring

MOTION:

Introducing the Development Agreement Ordinance.

RESULT:	INTRODUCED [4 TO 1]
MOVER:	Rich Constantine, Mayor Pro Tem
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz
NAYS:	Spring

OTHER BUSINESS

18. 2018 INFRASTRUCTURE UPDATE REPORT

Recommendation:

Receive the updated 2018 Report on City Infrastructure.

Interim Deputy City Manager Chris Ghione, along with Deputy Director of Engineering Scott Creer and Deputy Director of Utilities Dan Repp presented the report.

The public comment was opened at 11:26 pm.

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

MOTION:

Extending the meeting to 12:00 am.

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

19. FIRE RESOURCES REPORT

Recommendation:

Accept report on Fire resources and update on Public Safety Master Plan recommendations.

City Manager Christina Turner introduced the item. Division Chiefs Nick Ciardella, Michael Borelli, and Michael Marcucchi, along with Battalion Chief Dwight Good presented the report.

The public comment was opened at 11:43 pm.

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

RESULT:	NO ACTION TAKEN
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20. ADOPT ORDINANCE TO 1) UPDATE ENFORCEMENT PROVISIONS OF THE MUNICIPAL CODE, 2) AMEND PROVISIONS REGARDING ANIMAL NUISANCES, AND 3) CLEAN UP VARIOUS TYPOGRAPHICAL AND OTHER ERRORS IN THE CODE

Recommendation:

1. Waive the first and second reading of the Ordinance to update code enforcement; and
2. Introduce the Ordinance.

Assistant City Attorney Cynthia Hasson presented the report.

The public comment was opened at 11:59 pm.

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

MOTION:

Waive the first and second reading of the ordinance incorporating the changes that Council Member Jachimowicz identified.

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

MOTION:

Introducing the ordinance.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:00 am.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk