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, July 18, 2018 5:30 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 5:30 p.m. for the purpose of conducting a closed session and a workshop.

SPECIAL MEETING

5:30 P.M.

CALL TO ORDER

Mayor Tate called the special meeting to order at 5:31 p.m.

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.

CLOSED SESSION

CLOSED SESSION ANNOUNCEMENT

City Attorney Donald Larkin announced the closed session.

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Tate opened the public comment at 5:32 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:32 p.m.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to:	Government Code Section 54956.9(d)(2)
Number of Cases:	One (1)

RECONVENE

The special meeting reconvened at 6:31 p.m.

RDCS WORKSHOP

The purpose of the workshop is to discuss implementation measures within the Residential Development Control System (RDCS) and their effect on the City's efforts to meet the assigned Regional Housing Needs Allocation (RHNA).

RDCS WORKSHOP

Development Services Director Jennifer Carman, along with Assistant City Manager Leslie Little, facilitated the workshop.

The public comment was opened at 6:55 p.m.

Rocke Garcia was called to speak.

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

REGULAR MEETING

7:00 P.M.

The regular meeting convened at 7:02 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Carr shared that the Council held a Mid-Year check-in last Friday and he thanked the team for all of the work they put into the day.

He shared that most of his outside appointments break for the month of July so he does not have a lot to report. Chair Liccardo of the Valley Transportation Authority (VTA) Board has asked him to chair a new committee on capital projects. This committee will be looking at the hundreds of millions of dollars of capital projects that VTA is undertaking and how they are being accomplished. He also shared that he is the Vice Chair of a committee called The Mobility Partnership which is a partnership between Santa Clara County and San Benito County. This committee meets quarterly to discuss how to improve the Highway 101 and Highway 25 intersection. He mentioned that he also serves on the Silicon Valley Regional Interoperability Authority (SVRIA) which is made up of all of the cities within Santa Clara County along with the County, VTA, and San Jose State University. They have come together to link our emergency communication systems. This linked system should be in place by the end of this calendar year.

He concluded by announcing that National Night Out is coming up on August 7th from 5:30 p.m. to 8:00 p.m. on Depot Street in Downtown Morgan Hill.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She then spoke to the three potential ballot measures on the agenda later in the evening. She shared that at the City Council Mid-Year goal review workshop, the majority of the time was spent on reviewing the 2018 Strategic Priorities. Specific work plan items were evaluated in detail. She also mentioned that the Budget in Brief document is now available on the City's website. This less than 10-page summary document of the City's budget is great to understand how the budget works, where the City's money comes from, and where the money goes.

SIGN ETHICS POSTER

The City Council, commissioners, and City teammates proceeded to sign the City’s Ethics Poster.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that the City Council met in closed session prior to the workshop to discuss one item of threatened litigation and there was no reportable action.

OTHER REPORTS

None.

RECOGNITION

AMGEN RECOGNITIONS

Recognition of community partners for their contributions to the 2018 Amgen Tour of California and City's acceptance of donation from Specialized Bicycle Components.

PRESENTATIONS

YAC PRESENTATION- ASSET #27- EQUALITY & SOCIAL JUSTICE

PUBLIC COMMENT

The public comment was opened at 7:37 p.m.
John Horner was called to speak.
There being no further requests to speak, the public comment was closed.

ADOPTION OF AGENDA

MOTION:

Approving the agenda moving item 21 to follow the consent calendar.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 and 3 through 14.

Council Member Carr asked that the June 20, 2018 City Council minutes be amended to show his recusal on item 16.

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

1. APPROVE RULES FOR THE CONDUCT OF PLANNING COMMISSION MEETINGS

Recommendation:

Approve the Rules for the Conduct of Planning Commission Meetings.

2. SEPARATE VOTE TAKEN

3. SCHOOL RESOURCE OFFICER AGREEMENT 2018-2019

Recommendation:

Authorize Approval of Fiscal Year 2018-2019 School Resource Officer Memorandum of Understanding with Morgan Hill Unified School District.

4. ACQUISITION OF PROPERTY (KERR) APN 767-05-024 FOR THE HALE AVENUE EXTENSION PROJECT

Recommendation:

1. Adopt resolution approving the purchase of a portion of APN 767-05-024 for $11,000 plus escrow and closing costs from Susan L. Kerr and Robert A. Kerr 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.

5. ACCEPTANCE OF GALVAN PARK HANDBALL COURT IMPROVEMENTS PROJECT

Recommendation:

1. Accept as complete the Galvan Park Handball Court Improvements Project in the final amount of $512,031;
2. Authorize the City Engineer to sign the attached Notice of Completion; and
3. Direct the City Clerk to file the said Notice of Completion with the County Recorder's Office.

6. ACCEPT OAK CANYON BOOSTER STATION REHABILITATION PROJECT

Recommendation:

1. Accept as complete the Oak Canyon Booster Station Rehabilitation Project in the final amount of $1,721,585;
2. Authorize the City Engineer to sign the attached Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

7. ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS – CALLE SIENA - TRACT NO. 10293

Recommendation:

1. Accept the subdivision public improvements for Calle Siena – Tract No. 10293;
2. Authorize the City Engineer to sign a Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the Recorder of Santa Clara County.

8. FINAL MAP APPROVAL OF SAN SEBASTIAN PHASE 2B - TRACT NO. 10457

Recommendation:

1. Approve the Final Map;
2. 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
3. Authorize the recordation of the Final Map and the Stormwater BMP Operation and Maintenance Agreement.

9. APPROVE CONSTRUCTION CONTINGENCY INCREASE FOR BOYS RANCH WELL #2A & JACKSON WELL #3 PROJECT

Recommendation:

Adopt resolution approving the following actions:
1. Approve construction contingency increase of 10% ($128,123) with Conco West, Inc. for the Boys Ranch Well #2A and Jackson Well #3 Project; and
2. Approve an amendment to the City's Fiscal Year 18-19 budget for $128,123 from the Water Operations CIP Fund Balance (653).

10. APPROVAL OF MICROSOFT ENTERPRISE AGREEMENT EXPENDITURES

Recommendation:

Authorize the expenditure of not to exceed $81,321.89 and $80,000.00 for the second and third years, respectively, of the existing Microsoft Enterprise Agreement to Insight Public Sector, Inc.

11. AWARD PEST CONTROL MAINTENANCE SERVICE AGREEMENT

Recommendation:

1. Award a two-year contract to Animal Damage Management, Inc. in the amount of $70,320; and
2. Authorize the City Manager to execute and administer the Maintenance Service Agreement with Animal Damage Management, Inc.

12. PROFESSIONAL SERVICE AGREEMENTS WITH CSG CONSULTANTS, INC. AND HARRIS & ASSOCIATES, INC. FOR ON-CALL LAND DEVELOPMENT ENGINEERING PLAN REVIEW AND TECHNICAL SUPPORT SERVICES

Recommendation:

Authorize the City Manager to execute two agreements; one with with CSG Consultants Inc. and one with Harris & Associates, Inc. for $161,500 each, with a $48,450 contingency to be specifically authorized by the City Manager, for a total contract amount not to exceed $209,950 each with a combined total for both two-year agreements not exceeding the budgeted amount of $439,000.

13. MAY 2018 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

14. APPROVE THE JUNE 20, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEM PULLED FOR SEPARATE VOTE

2. TWO RESOLUTIONS AUTHORIZING ACTIVE TRANSPORTATION PROGRAM (ATP) GRANT APPLICATIONS

Recommendation:

Adopt two resolutions approving the following actions:
1. Authorizing staff to prepare and submit an Active Transportation Program (ATP) Grant Application to both the California Transportation Commission/California Department of Transportation (CTC/Caltrans) and to the Metropolitan Transportation Commission (MTC) for implementation of the Morgan Hill Safe Routes to School Action plan and related infrastructure improvements; and

2. Authorizing the City Manager to negotiate and execute the ATP grant agreement and other documents, reports, forms, and agreements related to the performance of the identified projects.

MOTION:
Approving the recommended action.

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

ITEM TAKEN OUT OF ORDER

21. COMMISSION FISCAL YEAR 18/19 WORK PLANS

Recommendation:

1. Approve the proposed Parks and Recreation Commission FY 2018/19 Work Plan; and
2. Approve the proposed Library, Culture and Arts Commission FY 2018/19 Work Plan.

Item moved up to follow the consent calendar.

Interim Deputy City Manager Chris Ghione and Library, Culture, and Arts Commissioner Ron Locicero presented report.

The public comment was opened at 7:43 p.m.
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:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz, Spring

PUBLIC HEARING

15. APPROVE PLACING A TRANSIENT OCCUPANCY TAX (TOT) INCREASE ON THE NOVEMBER 2018 BALLOT AND PROVIDE DIRECTION REGARDING THE ESTABLISHMENT OF A TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID)

Recommendation:

1. Open and close the public hearing;
2. Adopt resolution calling a general municipal election and ordering consolidation with the statewide general election for the purpose of submitting to the voters a 1% increase to the transient occupancy tax for general revenue purposes and authorizing the City Clerk to contract with the County of Santa Clara for services to be performed in connection with the statewide general election to be held on Tuesday, November 6, 2018;
3. Direct the City Attorney to prepare an impartial analysis of the proposed ballot measure;
4. Determine whether the Council will submit an argument related to the ballot measure and designate the Mayor and/or Councilmembers to write the argument;
5. Determine whether to print the full text of the ordinance in the voter pamphlet;
6. Direct the City Clerk and the City Attorney to take all necessary actions to submit the proposed ballot measure to the voters; and
7. Determine whether to direct staff to complete the steps to establish a TBID.

Economic Development Director Edith Ramirez presented the report.

The public hearing was opened at 8:10 p.m. The following people were called to speak:
John Horner
John McKay
Jeff Dixon
Andrew Firestone
There being no further requests to speak, the public hearing was closed.

The meeting went to recess at 9:02 p.m.
The meeting was reconvened at 9:17 p.m.

MOTION:
Approving the recommended action adopting the proposed resolution, directing the City Attorney to prepare an impartial analysis of the proposed ballot measure, submitting an argument related to the ballot measure, designating the Mayor and Council to author the argument, to not print the full text of the ordinance in the voter pamphlet, to direct the City Clerk and City Attorney to take all necessary actions to submit the proposed ballot measure to the voters, and direct staff to continue to work on establishing a TBID at 1.5%.

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

16. APPROVE PROPOSED BALLOT MEASURE REGARDING THE TAXATION OF CANNABIS

Recommendation:

1. Open and close the public hearing;
2. Adopt resolution calling a general municipal election and ordering consolidation with the statewide general election for the purpose of submitting to the voters a cannabis business tax ordinance and authorizing the City Clerk to contract with the County of Santa Clara for services to be performed in connection with the statewide general election to be held on Tuesday, November 6, 2018;
3. Direct the City Attorney to prepare an impartial analysis of the proposed ballot measure;
4. Determine whether the Council will submit an argument related to the ballot measure and designate the Mayor and/or Councilmembers to write the argument;
5. Determine whether to print the full text of the ordinance in the voter pamphlet; and
6. Direct the City Clerk and the City Attorney to take all necessary actions to submit the proposed ballot measure to the voters.

Police Chief David Swing, along with David McPherson with HdL, presented the report.

The public hearing was opened at 9:49 p.m. The following people were called to speak:
Malisha Kumar
David Debald
There being no further requests to speak, the public hearing was closed.

MOTION:
Approving the recommended action adopting the proposed resolution with the modification that the dollar range be changed to $340,000 - $750,000, directing the City Attorney to prepare an impartial analysis of the proposed ballot measure, submitting an argument related to the ballot measure, designating the Mayor and Council to author the argument, to not print the full text of the ordinance in the voter pamphlet, and to direct the City Clerk and City Attorney to take all necessary actions to submit the proposed ballot measure to the voters.

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

17. APPROVE BALLOT MEASURE FOR APPOINTIVE CITY CLERK AND CITY TREASURER

Recommendation:

1. Open and close the public hearing;
2. Adopt resolution calling a general municipal election and ordering consolidation with the statewide general election for the purpose of seeking voter approval for appointed City Clerk and City Treasurer positions and authorizing the City Clerk to contract with the County of Santa Clara for services to be performed in connection with the statewide general election to be held on Tuesday, November 6, 2018;
3. Adopt resolution approving an amendment to the Fiscal Year 2018-19 budget to appropriate $52,300 to the elections budget (010.2420.42231) for this ballot measure;
4. Direct the City Attorney to prepare an impartial analysis of the proposed ballot measure;
5. Determine whether the Council will submit an argument related to the ballot measure and designate the Mayor and/or Councilmembers to write the argument; and
6. Direct the City Clerk and the City Attorney to take all necessary actions to submit the proposed ballot measure to the voters.

City Attorney Donald Larkin presented the report.

The public hearing was opened at 10:16 p.m.

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

Motion:
Approving the recommended action adopting the proposed resolution, directing the City Attorney to prepare an impartial analysis of the proposed ballot measure, submitting an argument related to the ballot measure, designating the Mayor and Council to author the argument, to not print the full text of the ordinance in the voter pamphlet, and to direct the City Clerk and City Attorney to take all necessary actions to submit the proposed ballot measure to the voters.

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

OTHER BUSINESS

18. INCLUSIONARY HOUSING ORDINANCE

Recommendation:

1. Waive the First and Second Reading of the Ordinance; and
2. Introduce Ordinance.

Housing Manager Rebecca Garcia, along with Assistant City Manager Leslie Little, and Debbie Kern with Keyser Marston provided the report.

The public comment was opened at 10:35 p.m.
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:	Rich Constantine, Mayor Pro Tem
AYES:	Tate, Constantine, Carr, Jachimowicz, Spring

MOTION:
Introducing the ordinance.

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

MOTION:
Extending the meeting to 11:30 p.m.

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

19. RESPONSE TO 2017-2018 CIVIL GRAND JURY REPORT

Recommendation:

1. Accept report and response to the Santa Clara County Civil Grand Jury Report, "Police and the Mentally Ill; Improving Outcomes"; and
2. Authorize the City Manager to send the response letter.

Police Sergeant Ray Ramos presented the report.

The public comment was opened at 11:04 p.m.
There being no request to speak, the public comment was closed.

Motion:
Approving the recommended action.

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

20. VOTING DELEGATES FOR THE 2018 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Recommendation:

1. Appoint voting delegate and up to two (2) alternate voting delegates to the League of California Cities' Annual Conference; and
2. Direct the Clerk's team to complete and forward the voting delegate form to the League of California Cities.

MOTION:
Appointing the Mayor as the primary voting delegate with other attending Council Members as alternate voting delegates.

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

21. ITEM HEARD OUT OF ORDER

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

The meeting was adjourned at 11:09 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk