



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 25, 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 7:01 p.m.

ROLL CALL ATTENDANCE

Minutes Clerk Gonzalez 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

Minutes Clerk Gonzalez declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring announced that there were no outside assignment meetings due to vacation times. He thanked the Morgan Hill Freedom Fest Board Members, the Indian Association of South County and all the volunteers for the July 3rd and 4th festivities.

CITY MANAGER'S REPORT

City Manager Christina Turner announced that on Tuesday, August 7th, the Police Department invites the community to National Night Out from 5:30-8:30 p.m. on Depot St by Railroad Park. She shared that the next regular City Council meeting will be on Wednesday, August 22nd. She reported that the fire that is in South County is located in San Martin close to Masten and Church. It is about 30 acres and they are evacuating on the west side and setting up a command post at the moment.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no report.

OTHER REPORTS

Council Member Carr asked that we reconsider the item to place the City Clerk and the City Treasurer item on the ballot.

City Attorney Donald Larkin advised as to the process to re-consider an item.

Motion:

Reconsidering the ballot measure for Clerk/Treasurer and set a special meeting to consider the Clerk and Treasurer items as two separate items.

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

PUBLIC COMMENT

Mayor Tate opened the public comment at 7:10 p.m.
Hearing no 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:	Larry Carr, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz, Spring

CONSENT CALENDAR

Approving consent calendar items 1 through 3, 5 and 6.

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

1. APPROVAL OF UPDATED CITY COUNCIL POLICIES 96-01, PLACEMENT OF ITEMS ON THE AGENDA AND MATTERS TO BE RECONSIDERED BY THE CITY COUNCIL AND 97-01, RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS

Recommendation:

Approve updated City Council Policies 96-01, Placement of Items on the Agenda and Matters to be Reconsidered by the City Council and 97-01, Rules for the Conduct of City Council Meetings.

2. PROJECT UPDATE AND THIRD AMENDMENT TO AGREEMENT WITH ASSOCIATED RIGHT OF WAY SERVICES, INC. FOR THE HALE AVENUE EXTENSION PROJECT

Recommendation:

1. Receive project update for the Hale Avenue Extension Project; and
2. Approve and authorize the City Manager to execute a Third Amendment to agreement with Associated Right of Way Services, Inc. in the amount of \$24,400 to continue to provide acquisition services for property needed to construct the Hale Avenue Extension Project for a total contract amount of \$194,400.

3. APPROVAL OF A CONSULTANT AGREEMENT WITH LISA WISE CONSULTING, INC. FOR PREPARATION OF THE MONTEREY CORRIDOR BLOCK-LEVEL MASTER PLAN

Recommendation:

Approve Consultant Agreement with Lisa Wise Consulting, Inc. (LWC) for preparation of the Monterey Corridor Block-Level Master Plan in an amount not to exceed \$64,905.

4. ITEM PULLED FROM CONSENT

5. CITY POSITION ON PROPOSED HOUSING AND HOMELESSNESS LEGISLATION

Recommendation:

Receive legislative correspondence.

6. ADOPT ORDINANCE 2278, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL ADDING TITLE 14 "HOUSING" TO THE MORGAN HILL MUNICIPAL CODE INCLUDING CHAPTER 14.04 "INCLUSIONARY HOUSING" THAT MANDATES 15 PERCENT AFFORDABLE HOUSING UNITS FOR NEW RESIDENTIAL DEVELOPMENTS WITHIN THE CITY

Recommendation:

Waive the reading, adopt Ordinance No. 2278, 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.

ITEM PULLED FROM CONSENT

4. RESOLUTION IN SUPPORT OF PROTECT CHILDREN AND KEEP FAMILIES TOGETHER

Recommendation:

Adopt resolution in support of “Protect Children and Keep Families Together.”

Motion:

Approving the recommended action.

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

OTHER BUSINESS

7. LEADERSHIP MORGAN HILL UTILITY BOX ART PROPOSAL

Recommendation:

1. Approve the Leadership Morgan Hill Class of 2018 public art proposals for artwork at ten utility box locations; and
2. Authorize the City Manager to enter into and administer necessary agreements to complete the project.

Interim Deputy City Manager Chris Ghione presented the report.

Mayor Tate opened the public comment at 7:17 p.m.

Simone from Leadership Morgan Hill was called to speak.

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

Motion:

Approving the Leadership Morgan Hill Class of 2018 public art proposal for artwork at ten utility box locations with the added words of encouragement and authorizing the City Manager to enter into and administer the necessary agreements to complete the project.

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

8. APPROVE TWO YEAR PARKLET PILOT PROGRAM

Recommendation:

Adopt guidelines for a pilot program to authorize parklets within a two-year period in the downtown.

Economic Development Management Analyst Nicole Brown and Economic Development Director Edith Ramirez presented the report.

Mayor Tate opened the public comment at 8:09 p.m. The following people were called to speak:

David Dindak
Brian Faircloth
John McKay

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

Motion:

Adopting the pilot program to authorize downtown parklets and continue to explore incentives for the program, speed the permitting of the program, establish minimum standards to address safety, design, ADA, and to make sure that sidewalks continue to have public access.

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

9. APPROVE REVOLVING FUND TO PROVIDE CASH FLOW FOR ACQUISITION AND REHABILITATION OF BELOW MARKET RATE HOMES IN ORDER TO PRESERVE THE UNITS FOR RE-SALE

Recommendation:

1. Authorize the establishment of a \$1,000,000 Below Market Rate (BMR) Housing Acquisition and Rehabilitation revolving fund to provide cash flow for the preservation of BMR homes that need to be purchased and/or rehabilitated by the City and resold to new eligible homeowners; and
2. Approve an amendment to the City's Fiscal Year 2018-19 budget, appropriating \$1,000,000 from the Housing Fund (236) for a revolving fund for short term expenses associated with the acquisition and/or rehabilitation of BMR homes that need to be purchased and/or rehabilitated for resale.

Housing Manager Rebecca Garcia presented the report.

Mayor Tate opened the public comment at 8:48 p.m.
Hearing 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

CLOSED SESSION

City Attorney Donald Larkin read the closed session into the record.

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Tate opened the public comment at 8:50 p.m.
Hearing no requests to speak, the public comment was closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 8:50 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 meeting reconvened at 9:45 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor Tate announced that there was no reportable action.

PUBLIC HEARING

10. ZA2018-0003: AN ORDINANCE AMENDING THE COMPETITION MANUAL FOR THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) AND ESTABLISHING THE AVAILABLE ALLOTMENTS FOR THE 2018 COMPETITION YEAR

Recommendation:

1. Open/close public hearing;
2. Waive first and second reading of Ordinance amending Section III of the RDCS Competition Manual;
3. Introduce Ordinance amending Section III of the RDCS Competition Manual;
4. Adopt resolution amending Sections I, II and IV of the RDCS Competition Manual;
5. Adopt Resolution establishing 215 Fiscal Year 2020/21 allotments for the 2018 RDCS competition.

Principal Planner Gina Paolini presented the report.

Mayor Tate opened the public hearing at 9:54 p.m.

Dick Oliver was called to speak.

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

Motion:

Continuing the item to the next regular agenda meeting.

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

CLOSED SESSION

City Attorney Donald Larkin read the closed session into the record for the regular meeting and the special meeting.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Carr requested that if we call a special meeting of the City Council, that we consider putting two items on the November ballot in place of one that we approved last time; one to make the City Clerk be an appointed as opposed to an elected position and a second item to make the City Treasurer be an appointed as opposed to an elected position and make those separate ballot items. He would like to discuss whether the City Treasurer position should be done this year or in two years.

A special meeting was set for 9:00 a.m. on Friday, July 27, 2018.

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Tate opened the public comment at 9:58 p.m.

Hearing no requests to speak the public comment was closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 10:02 p.m.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code Section 54956.8

- a. Property: APN 767-03-036
Agency Negotiators: Christina Turner, Chris Ghione, and Scott Creer
Negotiating Parties: Farideh Betpolice
Under Negotiation: Price and Terms of Payment
- b. Property: APN 767-01-052
Agency Negotiators: Christina Turner, Chris Ghione, and Scott Creer
Negotiating Parties: Rocke and Glenda Garcia
Under Negotiation: Price and Terms of Payment
- c. Property: APN 767-05-001 and 767-04-009
Agency Negotiators: Christina Turner, Chris Ghione, and Scott Creer
Negotiating Parties: Pacific Gas and Electric Company
Under Negotiation: Price and Terms of Payment
- d. Property: APN 817-13-037
Agency Negotiators: Christina Turner and Chris Ghione
Under Negotiation: Price and Terms of Sale or Lease
- e. Property: APN 817-14-004, 817-17-009, 817-14-005

Agency Negotiators: Christina Turner and Chris Ghione
Under Negotiation: Price and Terms of Sale or Lease

f. Property: APN 817-13-011
Agency Negotiators: Christina Turner and Chris Ghione
Negotiating Parties: James P Sergi, Trustee
Under Negotiation: Price and Terms of Payment

g. Property: APN 817-13-008
Agency Negotiators: Christina Turner and Chris Ghione
Negotiating Parties: Angelo Grestoni
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code Section 54956.8
a. Property: APN 817-15-051
Agency Negotiators: Christina Turner and Chris Ghione
Negotiating Parties: Greenstand, Inc.
Under Negotiation: Price and Terms of Payment

RECONVENE

The meeting was reconvened at 10:51 p.m.

CLOSED SESSION ANNOUNCEMENT

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

ADJOURNMENT

There being no further business, Mayor Tate adjourned the meeting at 10:51 p.m.

MINUTES PREPARED BY:

Angie Gonzalez, Minutes Clerk