



**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, August 22, 2018 6:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

PUBLIC NOTICE

The public hearing continued from the July 25, 2018 City Council Meeting regarding:

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

Was continued from August 22, 2018 to the September 5, 2018 City Council Meeting.

SPECIAL/REGULAR MEETING

(6:00 P.M. Closed Session / 7:00 P.M. Regular Meeting)

A special meeting of the City Council was called at 6:00 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

6:00 P.M.

CALL TO ORDER

Mayor Tate called the special-regular meeting to order at 6:00 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.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session.

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Tate opened public comment at 6:01 p.m.

Hearing no requests to speak the public comment was closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:01 p.m.

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; Edward Kreisberg, Meyers Nave
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution #17-042
	AFSCME Local 101
	Morgan Hill Community Service Officers Association

RECONVENE

REGULAR MEETING

The regular meeting was convened at 7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Mayor Pro Tem Constantine reported that he sits on the Policy Advisory Committee for the Valley Transportation Authority (VTA). They had a meeting but did not have a quorum, so no business was done. He did get a chance to ask some questions and they provided information on the 2016 Measure B, the transportation measure that is currently in the court system. We are not being reimbursed for paving work that we are doing in the city. That money is being held in escrow until the lawsuit is settled. The Pavement Condition Index (PCI) scores for 2017 show that the cities with a very good PCI (80-89) are Palo Alto, Cupertino and Los Altos Hills. The cities with a good PCI (70-79) are Morgan Hill (70), Mountain View (73) and Milpitas (77). The agencies that are in the fair category are Saratoga, Gilroy, San Jose, Campbell, Los Gatos, Santa Clara County and Monte Sereno. Unfortunately, the Measure B money is tied up in a lawsuit but hopefully the money will be flowing shortly and we will be able to spend it on our roads.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She announced that Morgan Hill will be the recipient of a Silicon Valley Business Journal Structure award in the category of Public and Civic Projects. It is being awarded for our three downtown parks. The City Councils for Morgan Hill and Gilroy, as well as the Santa Clara Valley Water District (SCVWD), had a joint meeting last night. It was an opportunity for each of the different boards to get together to discuss items of joint interest between each of the agencies. The topics covered included capital projects update, homelessness, emergency operations, and proposed legislation related to expediting permits. The SCVWD will come to a City Council meeting in the fall to present its update on the Anderson Dam project retrofit.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that there was no reportable action from the closed session. He spoke regarding High Speed Rail (HSR). HSR Authority representatives came to the Morgan Hill community on August 14th. They spent the day here beginning with a forum in the morning, followed by a tour of the City and then another forum in the evening. The purpose of this is to roll out their 2018 business plan which includes a new alignment that would have a blended track with Caltrain electrified from San Jose to Gilroy. We are still digesting that information. One of the concerns we heard is that there is not a lot of compare and contrast between the various potential alignments. We plan to be rolling out information that provides the pros and cons of each of the plans, to be open about what we think the impacts are going to be on the various neighborhoods that the project may or may not go through, and what it means for the residents. He also mentioned that Boris Lipkin, who was the Acting Regional Director, is now the Regional Director. It will be a benefit for Morgan Hill to know who we will be working with moving forward. He has worked with us very well and has been very open with us. It will be up to us to get that information out to the public in a way that makes sense to the residents of Morgan Hill.

OTHER REPORTS

Mayor Tate gave a presentation on his trip to our sister city of Mizuho, Japan.

PROCLAMATION

Proclaiming the week of August 20-26, 2018 as Women's Equality Week.

PUBLIC COMMENT

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

Mitchell Kirk was called to speak.

Hearing 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 items 1 through 7 and 9 through 15.

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

1. ACCEPTANCE OF DOWNTOWN PARKS PROJECT

Recommendation:

1. Accept as complete, the Downtown Parks Project, in the final amount of \$5,413,872;
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.

2. ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS – ESPERANZA - TRACT NO. 10277

Recommendation:

1. Accept the Subdivision Public Improvements for Esperanza – Tract No. 10277;
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 County Recorder's Office.

3. ADOPT RESOLUTION DELEGATING AUTHORITY TO THE CITY MANAGER TO MAKE AND CERTIFY DETERMINATIONS OF INDUSTRIAL DISABILITY TO THE CALIFORNIA EMPLOYEES' RETIREMENT SYSTEM

Recommendation:

Adopt resolution to delegate authority to the City Manager to make and certify determinations of industrial disability to the California Public Employees' Retirement System (CalPERS).

4. APPROVE PROPERTY CONVEYANCE AGREEMENT WITH SANTA CLARA COUNTY FOR HALE AVENUE EXTENSION PROJECT

Recommendation:

1. Adopt resolution approving the conveyance of portions of properties from APN 767-06-034 and 767-06-035 from the County of Santa Clara to the City of Morgan Hill 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. APPROVAL OF IMPROVEMENT AGREEMENT AND STORMWATER BEST-MANAGEMENT-PRACTICES OPERATION AND MAINTENANCE AGREEMENT WITH UHC 00661 MORGAN HILL, L.P.

Recommendation:

1. Approve an Improvement Agreement with UHC 00661 Morgan Hill, L.P.;
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.

6. APPROVE AGREEMENT ACCEPTING SELECTIVE TRAFFIC ENFORCEMENT GRANT

Recommendation:

Adopt resolution to:

1. Authorize the City Manager to execute an Agreement with the California State Office of Traffic Safety accepting grant funds from the Selective Traffic Enforcement Grant Program in the amount of \$43,000; and
2. Amend the FY 18-19 general fund budget to recognize grant revenue and appropriate \$43,000 in expenditures.

7. APPROVAL OF RECLASSIFICATIONS OF POSITIONS, TITLE CHANGE, AND SALARY SCHEDULE

Recommendation:

1. Approve reclassification of Community Services Director to Public Services Director and salary range for Public Services Director;
2. Approve reclassification of Community Services Coordinator to Community Services Supervisor;
3. Approve re-title of the flexibly-staffed classifications of Engineering Aide I/II to Engineering Technician I/II; and
4. Approve Elected Officials and City Council Appointed Positions Salary Schedule.

8. ITEM PULLED FROM CONSENT

9. APPROVE FUNDS FOR TEMPORARY EMERGENCY HOTEL STAYS FOR THOSE AT-RISK OF HOMELESSNESS AS A RESULT OF BEING DISPLACED

Recommendation:

Approve the use of housing funds (maximum \$7,000) to be used for a 3-day emergency hotel stay, in the event that a household receives a notice of violation or “red tag” from City code enforcement, resulting in a temporary and immediate homeless situation.

10. APPROVE AGREEMENT FOR ELECTRIC VEHICLE CHARGING STATIONS

Recommendation:

Approve agreement with EV Connect, Inc. to install and administer electric vehicle charging stations at the Centennial Recreation Center and the John Moreno Police Facility, and authorize the City Manager to execute the agreement.

11. REJECTION OF BIDS FOR THE LIBRARY EXPANSION PROJECT

Recommendation:

Reject bids for the Library Expansion Project.

12. ANNUAL EVALUATION REPORT FOR THE SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FISCAL YEAR 2017-18 (YEAR 3)

Recommendation:

Accept the Annual Evaluation Report for FY 2017-18 (Year 3) of the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI).

13. ANNUAL REPORTS OF ACTIVITIES BY NONPROFIT PARTNER ORGANIZATIONS

Recommendation:

Receive annual reports from City partner organizations.

14. APPROVE UPDATE TO THE LEADERSHIP MORGAN HILL UTILITY BOX ART PROJECT

Recommendation:

Approve proposed additional artwork and new locations for the Leadership Morgan Hill Class of 2018 Utility Box Art Project.

15. APPROVE CITY POSITION ON PENDING LEGISLATION SB 794 (FIREWORKS)

Recommendation:

Receive legislative correspondence.

ITEMS PULLED FROM CONSENT

8. 1885 : SAN MARTIN ANIMAL SHELTER CONTRACT

Recommendation:

Ratify the three-year agreement, for a total of \$92,727, with Santa Clara County Animal Shelter (San Martin), for the housing and medical treatment of stray animals.

Council Member Spring expressed his gratitude for adding this item.

Mayor Tate opened the public comment at 7:22 p.m. The following people were called to speak:

Ava Geddes

Cindy Van Rhijin

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

Motion:

Approving the recommended action.

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

PUBLIC HEARING

16. APPEAL (AAE2018-0010) OF PLANNING COMMISSION'S DECISION ON CONDITIONAL USE PERMIT (UP2017-0015) FOR A DRIVE-THROUGH, SELF-SERVICE, AUTOMATED CAR WASH ON PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 817-29-027 LOCATED ON THE SOUTHWEST CORNER OF CAPUTO DRIVE AND TENNANT AVENUE

Recommendation:

1. Grant a hearing de novo;
2. Open/close public hearing; and
3. Adopt resolution denying the appeal and reaffirming the decision of the Planning Commission to approve the project subject to Conditions of Approval.

City Attorney Donald Larkin introduced the item and gave instructions on the process for the appeal hearing.

Development Services Director Jennifer Carman and Principal Planner Gina Paolini presented the report.

Mayor Tate opened the public hearing at 7:54 p.m.

Greg Blunden (Appellant) was called to speak.

The meeting recessed at 8:06 p.m.

The meeting was reconvened at 8:12 p.m.

The public hearing continued. The following people were called to speak:

Paul Henry (Applicant)

Phil Malaspina

Pamela Blunden

Matt van Keulen

Matthew Visick

Rob Madrid

Andrew Davies

Greg Blunden

Paul Henry

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

Motion:

Approving staff's recommendation to deny the appeal, adopting the conditions of approval and directing staff through the design process to consider further mitigating the impacts of noise to the surrounding businesses and traffic flow on Tennant, specifically the U turn and the positioning of the project, and if possible in the positioning, to consider a 90-degree turn.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Rich Constantine, Mayor Pro Tem
SECONDER:	Larry Carr, Council Member
AYES:	Tate, Constantine, Carr
NAYS:	Jachimowicz, Spring

OTHER BUSINESS

17. APPROVE RESPONSE TO GRAND JURY REPORT - AFFORDABLE HOUSING

Recommendation:

Authorize the City Manager to file the Response to the Civil Grand Jury Report, "Affordable Housing Crisis *Density is our Destiny*", with the Presiding Judge of the Santa Clara County Superior Court.

Assistant City Manager for Community Development Leslie Little presented the report.

Mayor Tate opened public comment at 10:02 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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring asked staff to broaden the topic on the gun safety ordinance and look into what else can we do with regards to education programs and so on rather than just an ordinance.

ADJOURNMENT

There being no further business, Mayor Tate adjourned the meeting at 10:09 p.m.

MINUTES PREPARED BY:

Angie Gonzalez, Minutes Clerk