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, September 26, 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 Pro Tem Constantine called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Minutes Clerk Gonzalez called the roll.

Attendee Name	Title	Status	Arrived
Steve Tate	Mayor	Absent	
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 Carr sits on the Board of Directors for the Valley Transportation Authority (VTA) and he spoke about VTA's Capital Projects Committee. He stated that VTA is looking at its financial structure and trying to find ways to be more sustainable. The Committee will be looking at all the Capital Projects. The Board has made a decision that they are going to hold off on that process until after the November election. The election will be one that is extremely important when it comes to funding for transportation, as a result of that, the financial reviews and capital reviews need to wait until voters have made decisions in November.

He spoke about VTA's Mobility Partnership Committee, this is a partnership between San Benito County and VTA. The committee has focused work on the safety improvements that need to happen on the Highways 25 and 101 interchange, specifically rebuilding of the bridge and the design work that needs to happen there.

He concluded by speaking about the Upper Llagas Creek Flood Control Project. It is moving along at a good pace and they are hoping to break ground by the end of this calendar year or early next calendar year. For Phase 1 all of the properties needed have been acquired. For Phase 2 there are about two or three properties that need to go through the Board's approval and the permits that are needed have all been aquired by both federal and state agencies.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She corrected an error on item number 5 of the agenda, the Evergreen Project. In the count of the votes for that item, it was a unanimous vote, which is different than what was stated in the staff report. She announced that on Wednesday, October 3rd at 9:00 a.m. at the Starbucks on Dunne Ave. the Police team will be hosting Coffee with a Cop. She concluded by announcing that on September 20th the Silicon Valley Business Journal awarded the City with a Structures Award for our three Downtown parks. The City was presented the award and was recognized for its significant investment Downtown and the benefits of creating deeper connections between residents, visitors, and the City.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no report.

OTHER REPORTS

None.

PROCLAMATIONS

Proclaiming September 30, 2018 as Lewy Body Dementia Awareness Day
In honor of Susan Berghoff

Proclaiming the month of September 2018 as National Hispanic Heritage Month

PUBLIC COMMENT

Mayor Pro Tem Constantine opened the public comment at 7:15 p.m. The following people were called to speak:

Jeff Layne

Greg DaCunha

Shelli DaCunha

Brian Allen

Penny Doubek

Catherine Derringer

Brian Faircloth

Brian Sullivan

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

PUBLIC COMMENT RECEIVED

ADOPTION OF AGENDA

ADOPTION OF AGENDA

MOTION:
Adopting the agenda, moving the workshop item to follow the consent calendar.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 2, and 4 through 8 with the abstention of Council Member Spring on item 4.

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

1. ITEM PULLED FROM CONSENT

2. AWARD 2018-2019 PARKING LOT AND PATH SEAL COAT PROJECT

Recommendation:

1. Award contract to Silicon Valley Paving, Inc. in the amount of $63,466.10;
2. Authorize the expenditure of contingency funds not to exceed $6,346.61; and
3. Authorize City Manager to execute and administer that certain construction contract with Silicon Valley Paving, Inc.

3. ITEM PULLED FROM CONSENT

4. TERMINATE IMPROVEMENT AGREEMENT WITH NUEVA VISTA, LLC FOR PSYNERGY PROGRAMS CAMPUS AT 18225 HALE AVE

Recommendation:

Terminate Improvement Agreement with Nueva Vista, LLC.

5. ADOPT ORDINANCE APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT MASTER PLAN FOR "EVERGREEN VILLAGE" TO BE LOCATED ON A 20 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF BUTTERFIELD BOULEVARD AND COCHRANE ROAD (APN'S 726-25-035 AND 726-32-021)

Recommendation:

Waive the reading, adopt Ordinance No. 2279, 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.

6. ADOPT ORDINANCE APPROVING REVISIONS TO SECTION III- COMPETITION CRITERIA, STANDARDS AND POINTS OF A COMPETITION MANUAL (FILE NO. ZA2018-0003) FOR THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS)

Recommendation:

Waive the reading, adopt Ordinance No. 2280, 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.

7. ADOPT ORDINANCE ADDING A NEW CHAPTER 12.24 (NEWSRACK CONSOLIDATION) TO TITLE 12 (STREETS SIDEWALKS AND PUBLIC PLACES) TO THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL

Recommendation:

Waive the reading, adopt Ordinance No. 2281, 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.

8. APPROVE THE SEPTEMBER 5, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

1. ACCEPT DONATION FROM CHIALA FAMILY FOR INCLUSIVE PLAYGROUND

Recommendation:

1. Accept a donation of $23,000 from the Chiala Family for construction of an inclusive playground at Community Park; and
2. Authorize the City Manager to execute and administer a donation agreement.

MOTION:

Approving the recommended action.

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

3. APPROVE THIRD AMENDMENT TO WESTON MILES ARCHITECTS FOR THE LIBRARY EXPANSION PROJECT

Recommendation:

1. Approve Third Amendment to the Service Agreement for Design Professionals with Weston Miles Architects for value engineering/redesign and construction support services for the Library Expansion Project increasing the fee by $20,305 for a total not to exceed amount of $467,430; and
2. Authorize the City Manager to execute the Third Amendment to the Service Agreement for Design Professionals with Weston Miles Architects for value engineering/redesign and construction support services for the Library Expansion Project.

Public Services Director Chris Ghione presented the report and answered questions.

Mayor Pro Tem Constantine opened the public comment at 7:51 p.m.
Hearing no requests to speak, the public comment was closed.

MOTION:
Approving the recommended action.

RESULT:	**APPROVED [3 TO 1]**
MOVER:	Rich Constantine, Mayor Pro Tem
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Carr, Jachimowicz
NAYS:	Spring
ABSENT:	Tate

WORKSHOP

The meeting recessed at 7:54 p.m.

The meeting was reconvened 8:02 p.m.

The purpose of this workshop is to discuss a Below Market Rate (BMR) Ownership Program Participation Guide and a Below Market Rate Program Application Guide, including Ownership and Estate Planning and BMR Owners' Minimum Return on Down payment. Guides are attached in Other Business Item #9.

Housing Manager Rebecca Garcia facilitated the workshop with Assistant City Manager Leslie Little, Julius Nyanda from House Keys, and Debbie Kern from Keyser, Marston and Associates.

Mayor Pro Tem Constantine opened the public comment at 8:02 p.m. The following people were called to speak:

Dick Oliver

Rocke Garcia

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

Mayor Pro Tem Constantine opened the public comment at 9:29 p.m. The following people were called to speak:

Rocke Garcia

anonymous

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

OTHER BUSINESS

9. ADOPT HOUSING PROGRAM, ORDINANCE ADDING A NEW CHAPTER 14.08 "IN-LIEU HOUSING FEE" TO TITLE 14 (HOUSING) ESTABLISHING IN-LIEU FEES AND ADDING CHAPTER 14.12 "BELOW MARKET RATE PROGRAM" WHICH INCORPORATES A NEW BELOW MARKET RATE OWNERSHIP PROGRAM PARTICIPATION GUIDE AND A NEW BELOW MARKET RATE OWNERSHIP PROGRAM APPLICATION GUIDE, AND INCORPORATES BELOW MARKET RATE PROGRAM DEVELOPMENT STANDARDS, AND REPEALING CHAPTERS 15.22 "AFFORDABLE HOUSING FEE" AND 15.23 "BELOW MARKET RATE PROGRAM"

Recommendation:

1. Open/Close Public Hearing;
2. Waive the first and second reading of the ordinance; and
3. Introduce ordinance that:
    A. Adds Chapter 14.08 to institute a Housing in-lieu fee of $19.70 per square foot for residential development outside of Downtown where there is a 15% Inclusionary Housing Requirement, $13.20 per square foot for ownership projects in the Downtown where there is a 10% Inclusionary Housing Requirement, $29.00 per square foot for rental residential development outside of Downtown where there is a 15% Inclusionary Housing Requirement, and $11.00 per square foot for rental projects in the Downtown where there is a 10% Inclusionary Housing Requirement;
    B. Adds Chapter 14.12 Below Market Rate Program, incorporating a Below Market Rate Ownership Program Participation Guide and a Below Market Rate Progam Application Guide;
    C. Repeals Chapter 15.22 Affordable Housing Fee and Chapter 15.23 Below Market Rate Program from Title 15, placing both in Title 14; and
    D. Adds Below Market Rate (BMR) Program Development Standards.

OR

4. Provide feedback on draft ordinance and direct staff to bring a revised ordinance to a future meeting.

Item Continued to the October 17, 2018 City Council Meeting.

RESULT:	**CONTINUED**

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring asked for follow up on the temporary use permit for "Pirate House" and proposed a new project for Morgan Hill called [rat] Poison Free Morgan Hill.

ADJOURNMENT

There being no further business Mayor Pro Tem Constantine adjourned the meeting at 9:35 p.m.

MINUTES PREPARED BY:

Angie Gonzalez, Minutes Clerk