



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, November 28, 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 7:02 p.m.

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
Steve Tate	Mayor	Present	
Rich Constantine	Mayor Pro Tem	Absent	
Larry Carr	Council Member	Late	7:15 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.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Carr had no report.

CITY MANAGER'S REPORT

City Manager Christina Turner mentioned the evening's supplements and presentations. She announced that the election results will be certified by the County of Santa Clara Registrar of Voter's Office on December 6th, just in time for the City Council to certify the results on December 12th. She shared that the December 12th meeting will start at 7:00 p.m., the current Council will take their seats at the dais and take action to certify the election results, then the new Council will be sworn in and take their seats. She reminded the community that the annual Holiday Lights Parade and Tree Lighting Ceremony will take place Saturday evening at 5:30 p.m. Downtown. She announced that starting on Sunday, December 9th, the Morgan Hill Library will be open on Sundays between 1:00 p.m. and 5:00 p.m. She concluded by sharing that there will be a High Speed Rail update at the December 19th City Council meeting.

RECOGNITIONS

Quarterly Teammate Recognition

New Hires

Sergio Lopez - Police Officer
Elysa Olivares, Human Resources Technician

New Promotions

Jake Hess, Fire Chief

Retirements

Troy Hoefling, Police Sergeant
Derek Witmer, Fire Chief

2018 Peak Performance Award Recipients

Employee of the Year - Shane Palsgrove

Customer Service - Tony Haro

Challenge - Inga Alonzo, Frank Alvarez

Professional Growth - Christie Thomas

Innovation - John Henry, Mark Rauscher, Pam van der Leeden

Teamwork - Eric Blomquist, Daniel Cardwell, John Amos, Rudy Medina, Shawn Lopez, Steve Pennington, Caitlin Souza, Elizabeth Bassett, Anna King, Lucy Steuber

Get-Er Done! - Anthony Eulo

Highest of High Fives! - Margarita Huertas-Balagso

Community Whisperer - John Amos

Service Year Recipients

35 Years

Toni Maiquez, Public Safety Dispatcher

30 Years

John Henry, Engineering Technician
Johnny Gonzales, Utility Worker
Troy Hoefling, Police Sergeant

20 Years

Teo Herrera, Utility Worker
Anna King, Development Services Technician

15 Years

Jorge Lopez, Custodian
Chiquy Mejia, Recreation Coordinator

10 Years

Carson Thomas, Police Sergeant
Candice Abdurahman, Public Safety Dispatcher
Lisa Cardenas, Executive Assistant to the Chief of Police
Jennifer Ponce, Emergency Services Coordinator
Scott Martin, Police Corporal
Johnny Roberson, I.S. Technician
Tom Neff, Utility Supervisor
Tim Conlon, Utility Worker
Michelle Bigelow, Council Services and Records Manager
Sandra Diner, Office Assistant II

5 Years

Kevin Nelson, Water Quality Specialist
Santiago Fierro, Police Officer
Jason Lorenzo, Multi Services Officer
Fernando Del Moral, Police Officer
Christopher Gridley, Police Corporal
Todd Davis, Police Officer
Erica Corona, Human Resources Technician
Angie Gonzalez, Council Services Assistant

TEAMMATE RECOGNITION PRESENTATION

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no report.

OTHER REPORTS

None.

PRESENTATIONS

YAC PRESENTATION- ASSET #41- POSITIVE CULTURAL IDENTITY

PUBLIC COMMENT

The public comment was opened at 7:24 p.m.

Dick Oliver was called to speak.

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:	Caitlin Jachimowicz, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Tate, Carr, Jachimowicz, Spring
ABSENT:	Constantine

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1, 3, 5, and 8.

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

1. APPOINTMENT TO THE PARKS AND RECREATION COMMISSION

Recommendation:

Appoint Neil Berman to serve on the Parks and Recreation Commission to fill a vacancy with a term ending April 1, 2022.

2. ITEM PULLED FOR DISCUSSION

3. AWARD LANDSCAPE MAINTENANCE AGREEMENT FOR CITY FACILITIES AND ASSESSMENT DISTRICTS

Recommendation:

1. Award a two-year contract to Brightview Landscape Services, Inc. in the amount of \$300,648 to service Group 2: City Facilities, Group 4: Landscape Assessment Districts, and extra services; and
2. Authorize the City Manager to execute and administer the Maintenance Service Agreement with Brightview Landscape Services and to extend the agreement for up to three, one-year additional terms.

4. ITEM PULLED FOR DISCUSSION

5. ADOPT A RESOLUTION OF INTENT TO ESTABLISH A TOURISM BUSINESS IMPROVEMENT DISTRICT

Recommendation:

1. Adopt resolution declaring the City's intention to establish the Morgan Hill Tourism Business Improvement District (MHTBID) to levy assessments within the District and setting a time and place for a public hearing;
2. Direct the City Clerk to mail written notice to the owners of all businesses proposed to be within the District; and
3. Appoint the Economic Development Director and the Public Services Director to the MHTBID Owners' Association Board.

6. ITEM PULLED FOR DISCUSSION

7. ITEM PULLED FOR DISCUSSION

8. APPROVE THE NOVEMBER 7, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

2. AWARD AQUATICS CENTER SLIDE REPAIR AND REFURBISHMENT

Recommendation:

1. Adopt resolution amending the Fiscal Year 2018-19 adopted budget to appropriate an additional \$54,000 from the General Fund (010) to Building Maintenance Fund (740) for the Aquatics Center Slides Refurbishment Project;
2. Award contract to Teca Aquatics Innovations, Inc. in the amount of \$130,290; and Authorize the expenditure of contingency funds not to exceed \$13,029; and
3. Authorize the City Manager to execute and administer that certain construction contract with Teca Aquatics Innovations, Inc.

Program Administrator Anthony Eulo answered questions.

MOTION:

Approving the recommended actions.

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

4. APPROVE CONSULTANT AGREEMENT WITH CITYGATE ASSOCIATES, LLC., FOR FIRE STANDARDS OF COVERAGE (SOC) STUDY AND COMMUNITY RISK ASSESSMENT, AND REIMBURSEMENT AGREEMENTS WITH CITY OF GILROY AND SOUTH SANTA CLARA COUNTY FIRE DISTRICT

Recommendation:

1. Approve and authorize the City Manager to review, negotiate, amend, and execute a consultant agreement with Citygate Associates, LLC for a Sub-Regional South County Standards of Coverage (SOC) and community risk assessment study in the amount of \$79,530;
2. Authorize the expenditure of contingency funds not to exceed \$3,970;

3. Adopt resolution amending the Fiscal Year (FY) 2018-19 adopted budget, to appropriate \$83,500 from the General Fund (010) for the study to be prepared by Citygate Associates, LLC; and
4. Approve and authorize the City Manager to review, amend, and execute reimbursement agreements with the City of Gilroy (\$31,520) and South Santa Clara County Fire District (\$24,735) for their share of the study, including any future amendments subject to change in scope, up to the available contingency amount of \$3,970.

Fire Chief Jake Hess and Division Chief Jim Crawford answered questions.

MOTION:

Approving the recommended actions.

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

6. PILOT PROJECT TO REDUCE USE OF RODENTICIDES AT CITY FACILITIES

Recommendation:

Direct staff to implement a rodenticide reduction pilot project and report on the project's findings and results at the June 5, 2019 City Council meeting.

Program Administrator Anthony Eulo presented the report.

The public comment was opened at 7:43 p.m. The following people were called to speak:

Joy Joyner

Kyra Pehrson

Doug Muirhead

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

MOTION:

Approving the recommended action.

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

7. ADOPT ORDINANCE AMENDING CHAPTER 9.04 ("WEAPONS") OF TITLE 9 ("PUBLIC PEACE, MORALS AND WELFARE") OF THE MORGAN HILL MUNICIPAL CODE TO REQUIRE SAFE FIREARMS STORAGE, REQUIRE THE REPORTING OF FIREARMS THEFT, AND PROHIBIT LARGE CAPACITY MAGAZINES

Recommendation:

Waive the reading, adopt Ordinance No. 2289, 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.

The public comment was opened at 7:56 p.m. The following people were called to speak:

Leon Knyshov

Jeff Klopotic

Jonathan Hsu
Dave Truslow
G. Mitchell Kirk
Anonymous

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

City Attorney Donald Larkin answered questions.

MOTION:

Approving the recommended action.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Caitlin Jachimowicz, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Tate, Carr, Jachimowicz
NAYS:	Spring
ABSENT:	Constantine

OTHER BUSINESS

A recess was called at 8:17 p.m.

The meeting reconvened at 8:24 p.m.

9. PROVIDE DIRECTION REGARDING MONTEREY CORRIDOR BLOCK-LEVEL MASTER PLAN ALTERNATIVES

Recommendation:

1. Receive presentation on Monterey Corridor Block-Level Master Plan Alternatives; and
2. Direct staff to proceed with Monterey Corridor Block-Level Master Plan process.

Principal Planner John Baty and Development Services Director Jennifer Carman presented the report.

The public comment was opened at 8:51 p.m.

Dick Oliver was called to speak.

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

Council provided direction to staff.

RESULT:	NO ACTION TAKEN
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10. INTRODUCE ORDINANCE DELEGATING AUTHORITY TO CITY MANAGER TO APPOINT CITY CLERK

Recommendation:

1. Waive the first and second reading of the ordinance delegating the appointment authority of the City Clerk position to the City Manager; and
2. Introduce the ordinance.
OR
3. Direct staff to return with a job description and employment contract for the City Clerk position to report into the City Council.

City Manager Christina Turner presented the report.

The public comment was opened at 9:39 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:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Carr, Jachimowicz, Spring
ABSENT:	Constantine

MOTION:

Introducing the ordinance.

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

PUBLIC HEARING

11. INTRODUCE ORDINANCE REGULATING FIREARMS DEALERS

Recommendation:

1. Open/close public hearing;
2. Waive the first and second reading of the ordinance; and
3. Introduce the ordinance adding Chapter 5.68 titled "Firearms Dealers," to Title 5 (Business Licenses Generally) of the Morgan Hill Municipal code, to provide uniform regulations applicable to all firearm dealers in Morgan Hill.

City Attorney Donald Larkin presented the report.

The public hearing was opened at 9:53 p.m. The following people were called to speak:

Dave Truslow
Trevor Bacolini
Leon Knyshov
G. Mitchell Kirk
Anonymous
Jeff Klopotic

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

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

RESULT:	INTRODUCED [UNANIMOUS]
MOVER:	Larry Carr, Caitlin Jachimowicz
AYES:	Tate, Carr, Jachimowicz, Spring
ABSENT:	Constantine

12. ZA2018-0006: HALF - TRUMARK: ZONING AMENDMENT TO AMEND THE ZONING MAP DESIGNATION FOR TWO PARCELS FROM R-2 3,500/PD TO RAL-3,500. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 728-30-003 AND -004, ARE LOCATED ON THE NORTHERLY SIDE OF HALF ROAD BETWEEN CONDIT ROAD AND MISSION VIEW DRIVE (LLAGAS LLC, OWNER)

Recommendation:

1. Open/close public hearing;
2. Waive the first and second reading of the ordinance approving zoning amendment; and
3. Introduce the ordinance.

Development Services Director Jennifer Carman presented the report.

The public hearing was opened at 10:32 p.m. The following people were called to speak:

Chris Davenport

Rick Kent

Harry Singla

Terry Williams

Ron Kumar

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

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance

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

MOTION:

Extending the meeting to 11:30 p.m.

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

CLOSED SESSION

City Attorney Donald Larkin announced the closed session items.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 10:56 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 10:56 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; Jesse Lad, Meyers Nave
Employee Organization:	Morgan Hill Police Officers Association AFSCME Local 101 Morgan Hill Community Service Officers Association

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Pursuant to Government Code Section 54956.9(d)(1)
Case Name:	O'Malley v. City of Morgan Hill
Case Number:	Santa Clara County Superior Court Case No: 16-CV-300450

RECONVENE

The meeting reconvened at 11:21 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Donald Larkin announced that the Council unanimously approved a settlement agreement in the amount of \$187,500.

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:22 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk