CITY OF MORGAN HILL

Meeting Minutes
City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Council Member
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, December 19, 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 Constantine called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Present	
Yvonne Martinez Beltran	Council Member	Present	
Larry Carr	Council Member	Present	
John McKay	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

Mayor Constantine welcomed the two new Council Members to the Council. He wished those that celebrate Christmas, a Merry Christmas and wished Happy Holidays to everyone.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She shared that earlier today, in conjunction with the Chamber of Commerce and the Silicon Valley Small Business Development Center, we held an educational seminar related to the Americans with Disabilities Act (ADA). There were speakers and a program that focused on the importance of making businesses accessible to all from outside to inside, understanding service animals in the workplace, as well as, the importance of receiving an accessibility standards compliance report from a certified access specialist. They also reviewed how insurance policies can mitigate punitive damages. The event was attended by eight Morgan Hill businesses along with subject matter experts. She shared that recently the Holiday Lake Estates Homeowners Association (HOA) earned national recognition for being a Firewise Community from the National Fire Protection Association. Firewise is a nation-wide initiative that provides formal recognition to communities that take actions to protect people and properties from the risk of fire in the wild land urban interface. The HOA worked with Morgan Hill Fire to complete a community wildfire hazard assessment and developed an action plan that produced risk reduction benefits to the residents and their homes. Implementation of the plan has begun and will continue as a part of the program's annual renewal requirements. Staff will be returning to the Council as requested, to talk about our plans in the event of a wildfire, including prevention efforts.

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

None.

PRESENTATIONS

Morgan Hill Community Library, Heather Geddes

YAC PRESENTATION ASSET # 39 - SENSE OF PURPOSE

PUBLIC COMMENT

The public comment was opened at 7:17 p.m. The following people were called to speak:

Rocke Garcia

Malisha Kumar

Charles Weston

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

PUBLIC COMMENT SUPPLEMENT 1

ADOPTION OF AGENDA

MOTION:
Adopting the agenda as posted.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rene Spring, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

CONSENT CALENDAR

MOTION:

Approving consent calendar items 2, 3, 5, and 7 through 12.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Larry Carr, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

1. ITEM PULLED FOR DISCUSSION

2. APPROVE AGREEMENT WITH HINDERLITER, DE LLAMAS AND ASSOCIATES (HDL), FOR SALES AND USE TAX AUDIT AND BUSINESS LICENSE ADMINISTRATION SERVICES

Recommendation:

1. Approve an agreement with Hinderliter, de Llamas and Associates (HdL), for sales and use tax audit, and business license administration services;
2. Authorize the City Manager to execute and administer that certain agreement; and
3. Adopt resolution authorizing certain City officials and HdL to examine the sales, use, and transaction tax records of the State of California Department of Tax and Fee Administration.

3. ACCEPT GRANT FUNDING FOR AN EMERGENCY BACKUP GENERATOR FOR THE CENTENNIAL RECREATION CENTER AND AUTHORIZE THE PURCHASE AND INSTALLATION OF THE GENERATOR

Recommendation:

Adopt resolution to amend the City's Fiscal Year (FY) 2018-19 adopted budget, to appropriate $235,000 from the Community/Recreation Centers Impact Fund (360) for the purchase and installation of an emergency back up generator for the Centennial Recreation Center, subject to reimbursement of $140,249.80 from the State of California Hazard Mitigation Program.

4. ITEM PULLED FOR DISCUSSION

5. APPROVE AGREEMENT WITH OUTREACH SERVICES IN PARTNERSHIP WITH THE COUNTY OF SANTA CLARA

Recommendation:

1. Approve an agreement with the County of Santa Clara Office of Supportive Housing for Homeless Services to continue support for joint Rapid Re-Housing and Homeless Outreach Services specifically for South County; and
2. Authorize the City Manager to execute and administer the certain agreement.

6. ITEM PULLED FOR DISCUSSION

7. APPROVE AGREEMENT FOR TRANSPORTATION FUND FOR CLEAN AIR (TFCA) FUNDING FOR THE MAIN AVENUE BIKE LANE AND SIDEWALK PROJECT

Recommendation:

Adopt resolution:

1. Approving the Santa Clara Valley Transportation Authority's funding agreement for the Bay Area Air Quality Management District TFCA grant program for up to $65,100 towards the construction of the Main Avenue Bike Lane and Sidewalk Project;
2. Amending the adopted Fiscal Year (FY) 2018-19 budget in School Pedestrian and Traffic Safety Fund (355) to recognize the TFCA Grant as revenue; and
3. Authorizing the Public Services Director to execute and administer the TFCA agreement.

8. APPROVE STORMWATER BEST MANAGEMENT PRACTICES OPERATION AND MAINTENANCE AGREEMENT FOR THE RESIDENTIAL CARE FACILITY FOR THE ELDERLY AT 16515 BUTTERFIELD BLVD (APN: 817-57-049)

Recommendation:

1. Approve a Stormwater Best Management Practices (BMP) Operation and Maintenance Agreement for the Residential Care Facility for the Elderly at 16515 Butterfield Blvd. (APN: 817-57-049); and
2. Authorize the City Manager to execute the Stormwater BMP Operation and Maintenance Agreement pending review and approval by the City Attorney.

9. ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS - CONNEMARA PHASE 2 - TRACT NO. 10357

Recommendation:

1. Accept the Subdivision Public Improvements for Connemara Phase 2 – Tract No. 10357;
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.

10. APPROVE PHASE 1 RECORDS RETENTION SCHEDULE UPDATE

Recommendation:

Approve changes to the City's Records Retention Schedule.

11. APPROVE THE DECEMBER 5, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

12. APPROVE THE DECEMBER 12, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

1. ACKNOWLEDGE NO BIDS FOR PARKING STRUCTURE SAFETY ENHANCEMENT PROJECT AND DIRECT STAFF TO NEGOTIATE CONTRACT FOR SERVICES

Recommendation:

1. Adopt resolution appropriating up to $220,000 from the Public Facilities Fund (346) for improvements within the Parking Structure;
2. Authorize the City Manager to negotiate, execute, and administer agreements up to $420,000 for parking structure improvements; and
3. Direct the City Manager to provide a full report to the City Council on actions implemented and the associated agreements for services and materials.

Senior Project Manager Yat Cho and Public Services Director Chris Ghione presented the report.

The public comment was opened at 7:38 p.m.
Rocke Garcia was called to speak.
There being no further requests to speak, the public comment was closed.

MOTION:
Approving the recommended actions, amending action item 3 directing the City Manager to provide a full report to council before actions are implemented and the associated contracts are signed.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Larry Carr, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

4. ACCEPT DONATION FROM COMMUNITY LAW ENFORCEMENT FOUNDATION

Recommendation:

Adopt a resolution:

1. Accepting a donation from the Community Law Enforcement Foundation in the amount of $25,439, for the purchase of ballistic plates and carriers for first responders, enhanced communication equipment for our tactical team, and integration costs for a community engagement and evaluation program;
2. Amending the adopted Fiscal Year (FY) 2018-19 budget in the General Fund (010) to recognize the CLEF donation as revenue, and appropriate $25,439 in the Police Department budget for associated expenditures; and
3. Appropriating a transfer of $15,840 from the Asset Seizure Fund (225) and to the General Fund

(010) for the annual program subscription services.

Police Chief David Swing answered questions.

The public comment was opened at 7:46 p.m.
There being no requests to speak, the public comment was closed.

MOTION:
Approving the recommended actions.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Yvonne Martinez Beltran, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

6. REJECT BID PROTEST AND AWARD NEW COMMUNITY GARDEN INSTALLATION PROJECT

Recommendation:

1. Reject bid protest;
2. Award contract to Castlewood Construction Company, Inc. in the amount of $195,000 for Community Garden construction;
3. Authorize the expenditure of contingency funds not to exceed $19,500; and
4. Authorize the City Manager to execute and administer that certain construction contract with Castlewood Construction Company, Inc.

Program Administrator Anthony Eulo answered questions.

The public comment was opened at 7:55 p.m.
There being no requests to speak, the public comment was closed.

MOTION:
Approving the recommended actions.

RESULT:	**AWARDED [UNANIMOUS]**
MOVER:	Larry Carr, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

OTHER BUSINESS

13. RECEIVE HIGH SPEED RAIL (HSR) UPDATE AND APPROVE HDR ENGINEERING INC. CONTRACT FOR GRADE SEPARATIONS STUDY

Recommendation:

1. Authorize City Manager to execute a contract with HDR Engineering, Inc., in the amount of $125,000 to study roadway grade separations at Dunne Avenue and Tennant Avenue; and
2. Adopt resolution approving a three-year interfund loan in the amount of $125,000 to the Traffic Impact Fund from the Local Drainage Impact Fund and amend the City's adopted Fiscal Year 2018-19 budget in funds No. 303 and 309 for related expenditures.

Council Member Carr excused himself from the dais.

Economic Development Director Edith Ramirez, Associate Planner Tiffany Brown, and Boris Lipkin with the High Speed Rail Authority presented the report.

The public comment was opened at 8:45 p.m. The following people were called to speak:
John Horner
Roland Lebrun
Brian Sullivan
Dick Oliver
There being no further requests to speak, the public comment was closed.

MOTION:
Continuing the item to a future meeting.

RESULT:	**CONTINUED TO A FUTURE MEETING [4 TO 0]**
MOVER:	John McKay, Council Member
SECONDER:	Rich Constantine, Mayor
AYES:	Constantine, Martinez Beltran, McKay, Spring
ABSTAIN:	Carr

Council Member Carr resumed his seat at the dais.

The meeting was recessed at 9:36 p.m.
The meeting was reconvened at 9:45 p.m.

14. APPROVE OUTDOOR SPORTS CENTER OPERATOR AGREEMENT

Recommendation:

1. Authorize the City Manager to execute an operations and maintenance agreement with MHOSC, LLC. for the Outdoor Sports Center; and
2. Adopt resolution appropriating $100,000 from the Park Impact Fund (301) and $50,000 from the General Fund (010), a total of $150,000, for improvements and repairs to the Outdoor Sports Center.

Public Services Director Chris Ghione presented the report.

The public comment was opened at 10:25 p.m. The following people were called to speak:
Jeff Dixon
Bob Joyce
John Horner
There being no further requests to speak, the public comment was closed.

MOTION:
Approving the recommended actions.

RESULT:	**AUTHORIZED [UNANIMOUS]**
MOVER:	Yvonne Martinez Beltran, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

15. APPROVE MAGICAL BRIDGE MORGAN HILL PLAYGROUND CONCEPT DESIGN

Recommendation:

Approve the updated conceptual design for the Magical Bridge Inclusive Playground at Community Park.

Public Services Director Chris Ghione and Peter Jensen with the Magical Bridge Foundation presented the report.

The public comment was opened at 11:12 p.m.
Ron Locicero was called to speak.
There being no further requests to speak, the public comment was closed.

MOTION:
Extending the meeting to midnight.

RESULT:	**EXTENDED [UNANIMOUS]**
MOVER:	Rene Spring, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

MOTION:
Approving the recommended action.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Rene Spring, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

The meeting was recessed at 11:19 p.m.
The meeting was reconvened at 11:22 p.m.

16. ADOPT POLICY FOR RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) AGRICULTURAL PRESERVATION EXEMPT SET-ASIDES, TRANSFER OF DEVELOPMENT RIGHTS AND/OR AUCTION

Recommendation:

1. Adopt a policy for Agricultural Set-A-Sides, Transfer of Development Rights, and/or Auction process;
2. Establish number of Agricultural Set-A-Sides Available for Auction in 2019; and
3. Authorize 2019 Auction.

Assistant City Manager Leslie Little and Principal Planner John Baty presented the report.

The public comment was opened at 12:13 a.m.
Bill Chiala was called to speak.
There being no further requests to speak, the public comment was closed.

MOTION:
Extending the meeting until 1:00 a.m.

RESULT:	**EXTENDED [UNANIMOUS]**
MOVER:	Rene Spring, Council Member
SECONDER:	John McKay, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

MOTION:
Continuing the item to a future meeting.

RESULT:	**CONTINUED TO A FUTURE MEETING [UNANIMOUS]**
MOVER:	Larry Carr, Council Member
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

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

Recommendation:

Receive report and provide direction to staff on follow-up recommendation for Block-Level Master Plan Alternative for two Monterey Road Corridor projects.

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

The public comment was opened at 12:35 a.m.
Dick Oliver was called to speak.
There being no further requests to speak, the public comment was closed.

Council accepted the report and provided direction.

RESULT:	**ACCEPT REPORT**

18. SELECT CITY COUNCIL MAYOR PRO TEMPORE AND REVIEW CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Recommendation:

1. Open floor to nomination(s) for Mayor Pro Tempore;
2. Select a Council Member to serve as Mayor Pro Tempore per City Council Policy 99-01; and
3. Review and discuss the listing of City Council Appointments to Outside Agencies.

Deputy City Clerk Michelle Bigelow provided the report.

The public comment was opened at 12:53 a.m.
There being no requests to speak, the public comment was closed.

Mayor Constantine nominated Council Member Rene Spring for Mayor Pro Tem.

MOTION:
Appointing Council Member Rene Spring to serve as Mayor Pro Tem for 2019.

RESULT:	**APPOINTED [UNANIMOUS]**
MOVER:	Rich Constantine, Mayor
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

PUBLIC HEARING

19. ACCEPT PUBLIC COMMENT REGARDING THE MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID)

Recommendation:

Receive and accept public comment on the formation of a Morgan Hill TBID.

Economic Development Director Edith Ramirez presented the report.

The public hearing was opened at 12:51a.m.
There being no requests to speak, the public hearing was closed.

Council accepted the report.

RESULT:	**ACCEPT REPORT**

20. DEVELOPMENT AGREEMENT APPLICATION DA2018-0002: E. DUNNE-YOUNG: REQUEST FOR APPROVAL OF A DEVELOPMENT AGREEMENT FOR THE FIRST 20 UNITS OF A 46-UNIT, THREE STORY, MULTI-FAMILY RESIDENTIAL CONDOMINIUM PROJECT PROPOSED ON A 3.5 ACRE PARCEL LOCATED ON THE NORTH SIDE OF E. DUNNE AVENUE, ADJACENT TO THE NORTH SIDE OF THE MORGAN HILL KINDER CARE LEARNING CENTER AT 605 E. DUNNE AVENUE

Recommendation:

1. Open and close public hearing;
2. Waive the first and second reading of Development Agreement Ordinance; and
3. Introduce the Development Agreement Ordinance.

Council Member Martinez Beltran and City Attorney Donald Larkin excused themselves from the dais.

Senior Planner Terry Linder presented the report.

The public hearing was opened at 1:02 a.m.
There being no requests to speak, the public hearing was closed.

MOTION:
Extending the meeting to 1:05 a.m.

RESULT:	**EXTENDED [4 TO 0]**
MOVER:	Rene Spring, Council Member
SECONDER:	John McKay, Council Member
AYES:	Constantine, Carr, McKay, Spring
RECUSED:	Martinez Beltran

MOTION:
Waiving the first and second reading of the ordinance.

RESULT:	**WAIVED [4 TO 0]**
MOVER:	Rich Constantine, Mayor
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Carr, McKay, Spring
RECUSED:	Martinez Beltran

MOTION:
Introducing the ordinance.

RESULT:	**INTRODUCED [4 TO 0]**
MOVER:	Rich Constantine, Mayor
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Carr, McKay, Spring
RECUSED:	Martinez Beltran

City Attorney Donald Larkin resumed his seat at the dais.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Carr asked that staff have the County of Santa Clara come to a Council meeting to talk about roads and airports.

Council Member McKay asked for a fire plan to come back to Council.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:05 a.m.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk