



**Meeting Minutes
City Council**

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

Wednesday, April 3, 2019 6:00 pm

**Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037**

SPECIAL/REGULAR MEETING

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

6:00 p.m. Closed Session

7:00 p.m. Regular Meeting

TELECONFERENCE

Council Member Spring participated in the regular meeting via teleconference as follows:

Crowne Plaza, Greater Noida
Institutional Green 1, Surajpur Chowk
Greater Noida, Uttar Pradesh -201306

Public comment from the teleconference location was allowed.

SPECIAL MEETING

6:00 P.M.

CALL TO ORDER

Mayor Constantine called the special meeting to order at 6:00 p.m.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Present	
Rene Spring	Mayor Pro Tem	Remote	7:03 PM
Yvonne Martinez Beltran	Council Member	Present	
Larry Carr	Council Member	Present	
John McKay	Council Member	Present	

DECLARATION OF POSTING AGENDA

Deputy City Clerk Michelle Bigelow declared the posting of the agenda.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session item.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 6:01 p.m.

There being 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 LEGAL COUNSEL - EXISTING LITIGATION (CA Gov Code Section 54956.9(a))

Patton et al. v. City of Morgan Hill, et al. Case No. 16-CV-303044

REGULAR MEETING

7:00 P.M.

RECONVENE

The regular meeting convened at 7:03 p.m.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that there was no reportable action from the closed session item.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Carr shared that he serves on the Board of Directors for the Valley Transportation Authority (VTA) representing the cities of Morgan Hill and Gilroy. He reminded the community that the VTA is going through a process of developing the "Next Network" which lays out how they will be providing services. The plan is viewable on the VTA's website. Starting in April, committees will begin looking at the plan and in May it will be brought before the Board for final approval. There will be some

changes to the services in South County including possible changes to the express bus services and services will be added to line 68. He encouraged the community to keep reviewing the plan throughout the process and providing feedback, before it gets to the Board in May.

He shared that the City has been working with Valley Water on a flood control project that is designed to alleviate the significant flooding that happens in Downtown Morgan Hill and parts of both northern and southern Morgan Hill. This project has been in the works for decades. Recently the Army Corps of Engineers issued the final permit that has been needed to begin construction on this project. Valley Water will now put the project out to bid and hopes to begin construction this summer. This project will provide flood protection to Downtown Morgan Hill, to over 1,000 homes and 500 businesses, and over 1,000 acres of farmland that is flooded on a routine basis. For those folks that have to pay high flood insurance rates, those rates will change once this project is completed. We are very excited that this project is getting started. When it does get started, you will receive lots of communication from both the City of Morgan Hill and Valley Water about how the construction may impact your lives.

He concluded by sharing that the wastewater treatment plant that Morgan Hill shares with Gilroy was just awarded top awards from the California Water Environment Association as both "Plant of the Year" and "Operator of the Year." These are significant awards that demonstrate environmental stewardship, plant operations, permit compliance, and cost effectiveness.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She recommended that items 6 and 13 be continued to the April 17, 2019 City Council meeting.

She shared that next week on Wednesday, April 10, 2019, Valley Water will have an environmental and project status update for the Anderson Dam Seismic Retrofit Project. That will take place at 6:00 p.m. at the Community and Cultural Center.

City Manager Christina Turner, Assistant City Manager Leslie Little, and the City Council recognized and thanked Principal Planner John Baty for his outstanding service to the City and wished him well in his new adventures.

OTHER REPORTS

Mayor Constantine shared that in regard to the interviews to fill vacancies on the Library, Culture, and Arts commission that took place on March 20, 2019, the Council re-appointed Katie Khera and Poonam Chabra and appointed Jake Thompson and Suman Ganapthy to serve terms ending April 1, 2021.

PUBLIC COMMENT

The public comment was opened at 7:18 p.m.

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda continuing items 6 and 13 to the April 17, 2019 City Council meeting.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1, 3, 4, 5, and 7.

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

1. APPROVE FUNDING AGREEMENT WITH THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY FOR THE 2016 MEASURE B LOCAL STREETS AND ROADS PROGRAM

Recommendation:

Authorize the City Manager to execute a funding agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Local Streets and Roads Program.

2. ITEM PULLED FOR DISCUSSION

3. APPROVE SECOND AMENDMENT TO MORGAN HILL JET ELECTRIC ON-CALL MAINTENANCE SERVICE AGREEMENT

Recommendation:

Approve the Second Amendment to the on-call maintenance service agreement with Morgan Hill JET Electric, Inc. for an additional \$15,000 in services increasing the total contract amount to \$100,000 for the term through June 30, 2019.

4. RATIFY CITY POSITION ON PENDING LEGISLATION AB 1783 H-2A WORKER HOUSING: STATE FUNDING: STREAMLINED APPROVAL PROCESS FOR AGRICULTURAL EMPLOYEE HOUSING DEVELOPMENT

Recommendation:

1. Receive legislative correspondence in support of AB 1783 (R. Rivas) "H-2A worker housing: state funding: streamlined approval process for agricultural employee housing development"; and
2. Ratify City's position.

5. RESOLUTION SUPPORTING THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Recommendation:

Adopt resolution supporting the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

6. ADOPT ORDINANCE 2300 NEW SERIES, APPROVING DEPOT-LATALA DEVELOPMENT AGREEMENT TO CONFIRM RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) PUBLIC BENEFIT COMMITMENTS FOR 49 DOWNTOWN RDCS BUILDING ALLOTMENTS. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 726-13-049, IS LOCATED ON THE EAST SIDE OF DEPOT STREET, NORTH OF EAST DUNNE AVENUE

Recommendation:

Waive the reading, adopt Ordinance No. 2300, 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 continued to the April 17, 2019 City Council meeting.

7. APPROVE MEMORANDUM OF UNDERSTANDING ACCEPTING FAMILY JUSTICE CENTER GRANT FUNDS FROM COMMUNITY SOLUTIONS

Recommendation:

Adopt resolution:

1. Authorizing the City Manager to execute and administer the Memorandum of Understanding with Community Solutions to accept grant funds as a sub-recipient of the California Office of Emergency Services grant for a total amount of \$50,000 over three fiscal years; and
2. Amending the City's adopted FY2018-19 and FY2019-20 biennial budget to recognize grant revenue of \$12,500 in FY2018-19 and \$25,000 in FY2019-20, in the General Fund (010).

8. ITEM PULLED FOR SEPARATE VOTE

ITEM PULLED FOR SEPARATE VOTE

APPROVE THE MARCH 20, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

RESULT:	APPROVED [4 TO 0]
MOVER:	Larry Carr, Council Member
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay
ABSTAIN:	Spring

ITEM PULLED FOR DISCUSSION

2. APPROVE CONSULTANT AGREEMENT WITH DAVID J. POWERS & ASSOCIATES, INC. (DJPA) FOR PREPARATION OF THE MORGAN HILL TECHNOLOGY PARK & MIXED-USE RESIDENTIAL PROJECT ENVIRONMENTAL IMPACT REPORT (EIR)

Recommendation:

Authorize the City Manager to execute and administer a Consultant Agreement with David J. Powers & Associates, Inc. (DJPA) for preparation of the Morgan Hill Technology Park & Mixed-Use Residential Project Environmental Impact Report (EIR) for a total contract amount not to exceed \$252,828 for the term through December 31, 2019.

Principal Planner John Baty presented the report.

The public comment was opened at 7:22 p.m.

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

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

9. PROVIDE DIRECTION REGARDING AGRICULTURAL CONSERVATION PROGRAM

Recommendation:

Provide direction to staff regarding next steps in the City's agricultural mitigation program.

Program Administrator Anthony Eulo, Principal Planner John Baty, and Assistant City Manager Leslie Little presented the report.

The public comment was opened at 8:05 p.m.

Gordon Jacoby was called to speak.

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

RESULT:	NO ACTION TAKEN
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The meeting recessed at 8:49 p.m.

The meeting reconvened at 8:57 p.m.

10. APPROVE DESIGN STANDARDS FOR SMALL CELL ANTENNA IN THE PUBLIC RIGHT OF WAY AND AUTHORIZE CITY MANAGER TO EXECUTE LICENSE AGREEMENTS FOR SMALL CELL FACILITIES

Recommendation:

1. Approve the Small Cell Design Standards related to pole mounted facilities located in the public right of way;
2. Approve the Small Cell License Agreement; and
3. Authorize the City Manager to negotiate, amend, and execute Small Cell License Agreements consistent with the Small Cell Design Standards for up to Forty-Four City owned street light poles for each telecommunication provider.

Economic Development Manager John Lang presented the report.

The public comment was opened at 9:40 p.m. The following people were called to speak:

Trevor Bacolini

Ginbar Ketema

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

MOTION:

Approving the small cell license agreement, small cell design standards, authorizing the City Engineer to amend the standards as necessary, and authorizing the City Manager to negotiate, amend, and execute small cell license agreements consistent with the small cell design standards for up to forty-four City owned street light poles for each telecommunication provider.

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

PUBLIC HEARING

11. INTRODUCE ORDINANCE AMENDING REGULATIONS FOR WIRELESS COMMUNICATIONS FACILITIES REGARDING POLE-MOUNTED WIRELESS COMMUNICATIONS FACILITY IN THE PUBLIC RIGHT-OF-WAY

Recommendation:

1. Open/close public hearing;
2. Waive first and second reading of Zoning Amendment ZA2019-0007: Wireless Communication Facilities; and
3. Introduce Zoning Amendment Ordinance ZA2019-0007: Wireless Communication Facilities.

Economic Development Manager John Lang and Economic Development Fellow Alexandra Noble presented the report.

The public hearing was opened at 10:11 p.m.

Trevor Bacolini was called to speak.

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:	Yvonne Martinez Beltran, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

MOTION:

Introducing the ordinance.

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

12. PUBLIC HEARING AND BALLOT TABULATION FOR PARSONS CORNER SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

1. Open public hearing;
2. Accept public input on ballot proceeding;
3. Announce close of public hearing is pending – Any property owner wishing to withdraw their ballot must do so now;
4. Announce close of public hearing is pending – Any property owner wishing to submit a ballot must do so now;
5. Close public hearing;
6. Take ten-minute recess for ballot tabulation;
7. Accept verbal report from Deputy City Clerk on ballot tabulation results; and
8. Adopt Resolution A or B certifying the ballot proceeding results.

Maintenance Services Coordinator Keri Russell presented the report.

The public hearing was opened at 10:17 p.m.

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

The meeting was recessed at 10:19 p.m.

The meeting was reconvened at 10:24 p.m.

MOTION:

Adopting resolution A.

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

13. ADOPT RESOLUTION UPDATING THE CITY'S SELECT DEVELOPMENT IMPACT FEES

Recommendation:

1. Adopt Final Draft of Development Impact Fee Update Study prepared by Willdan Financial Services;
2. Open/close the public hearing; and
3. Adopt resolution updating the City's select Development Impact Fees.

Item continued to the April 17, 2019 City Council meeting.

RESULT:	CONTINUED TO A FUTURE MEETING
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14. PRELIMINARY REVIEW OF MONTEREY CORRIDOR - BLOCK ONE (EAST SIDE OF MONTEREY ROAD NORTH OF BURNETT AVE) SR2019-0009

Recommendation:

1. Provide a determination on SR2019-0009 Preliminary Plan Review's consistency with the adopted Block-Level Master Plan (BLMP) for Monterey Corridor Block One; and
2. Provide feedback on SR2019-0009 Preliminary Plan Review's consistency with the Planned Development (PD) Master Plan Findings.

Principal Planner John Baty presented the report.

The public hearing was opened at 10:35 p.m.

Dick Oliver was called to speak.

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

MOTION:

Extending the meeting to 11:30 p.m.

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

MOTION:

Approving the recommended actions.

RESULT:	DETERMINED [UNANIMOUS]
MOVER:	Rich Constantine, Mayor
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

15. PRELIMINARY REVIEW OF MONTEREY CORRIDOR - BLOCK FOUR (EAST SIDE OF MONTEREY ROAD SOUTH OF OLD MONTEREY ROAD) SR2019-0008

Recommendation:

1. Provide a determination on SR2019-0008 Preliminary Plan Review's consistency with the adopted Block-Level Master Plan (BLMP) for Monterey Corridor Block Four; and
2. Provide feedback on SR2019-0008 Preliminary Plan Review's consistency with the Planned Development (PD) Master Plan Findings.

Principal Planner John Baty presented the report.

The public hearing was opened at 11:17 p.m. The following people were called to speak:

Phil Kerr

Gershon Yakir

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

MOTION:

Extending the meeting to 11:45 p.m.

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

MOTION:

Extending the meeting to 12:15 a.m.

RESULT:	EXTENDED [UNANIMOUS]
MOVER:	Rich Constantine, Mayor
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay
ABSENT:	Spring

MOTION:

Approving the recommended actions.

RESULT:	DETERMINED [3 TO 1]
MOVER:	Rich Constantine, Mayor
SECONDER:	John McKay, Council Member
AYES:	Constantine, Carr, McKay
NAYS:	Martinez Beltran
ABSENT:	Spring

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, the meeting was adjourned in honor of John Baty at 12:13 a.m.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk