



## **Special - Regular Meeting Agenda**

### **City Council**

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

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**Wednesday, May 1, 2019 6:00 pm**

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

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### **SPECIAL/REGULAR MEETING**

A special meeting of the City Council is 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

### **SPECIAL MEETING**

**6:00 P.M.**

### **CALL TO ORDER**

Mayor Constantine

### **ROLL CALL ATTENDANCE**

Deputy Clerk Michelle Bigelow

### **DECLARATION OF POSTING AGENDA**

Per Government Code Section 54954.2  
Deputy City Clerk Bigelow

### **CLOSED SESSION**

### **OPPORTUNITY FOR PUBLIC COMMENT**

## **ADJOURN TO CLOSED SESSION**

### CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation under Government Code section 54956.9(b).

One potential case

### CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(CA Govt Code 54956.9(a))

*City of Morgan Hill v. Bushey (Morgan Hill Hotel Coalition), et al.* Case No. 16-CV-292595

## **RECONVENE**

### **REGULAR MEETING**

**7:00 P.M.**

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.

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **CITY COUNCIL REPORTS**

Council Member McKay

### **CITY MANAGER'S REPORT**

City Manager Christina Turner

### **CITY ATTORNEY'S REPORT**

City Attorney Donald Larkin

### **OTHER REPORTS**

### **PROCLAMATIONS**

Proclaiming the Month of May as Aquatics Month

Proclaiming the Weeks of May 3 through 17, 2019 as Affordable Housing Weeks

Proclaiming the Week of May 6 through 12, 2019 as Wildfire Awareness Week

## **PUBLIC COMMENT**

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

## **ADOPTION OF AGENDA**

May 1, 2019

## **CONSENT CALENDAR**

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

### **1. ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS – SOLERA RANCH – TRACT NO. 10290**

Recommendation:

1. Accept the subdivision public improvements for Solera Ranch – Tract No. 10290;
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.

### **2. ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS – THE COMMONS – TRACT NO. 10047**

Recommendation:

1. Accept the subdivision public improvements for The Commons – Tract No. 10047;
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. AWARD 2019 SIDEWALK REPAIR CONTRACT**

Recommendation:

1. Award a contract to Golden Bay Construction, Inc. in the amount of \$95,219;
2. Authorize the expenditure of construction contingency funds not to exceed \$19,044; and
3. Authorize the City Manager to execute and administer that certain construction contract with Golden Bay Construction, Inc.

### **4. APPROVE THE PURCHASE OF PLAY EQUIPMENT FOR THE INCLUSIVE PLAYGROUND PROJECT**

Recommendation:

Authorize the City Manager to approve sole source purchase of playground equipment at the Morgan Hill Magical Bridge Playground at a not to exceed total of \$170,373.

### **5. PROVIDE DIRECTION REGARDING PARK DEVELOPMENT GRANT OPPORTUNITY**

Recommendation:

Receive report on park development grant opportunity.

### **6. ADOPT RESOLUTION OPPOSING A POTENTIAL DECREASE IN THE SUBSIDY FOR AGRICULTURAL WATER**

Recommendation:

Adopt resolution opposing a potential decrease in the subsidy for agricultural water.

**7. APPROVE THE APRIL 17, 2019 MEETING MINUTES**

Recommendation:

Approve Minutes.

**8. APPROVE THE APRIL 17, 2019 MEETING MINUTES**

Recommendation:

Approve Minutes.

**OTHER BUSINESS**

**9. ACCEPT 2019 CITY INFRASTRUCTURE UPDATE REPORT**

Recommendation:

Accept the updated 2019 Report on City Infrastructure.

Estimated Time: 20 Minutes

**PUBLIC HEARING**

**10. HOLD PUBLIC HEARING REGARDING REVISIONS TO WASTEWATER RATES AND ADOPT RELATED AMENDMENTS TO CHAPTER 13.16 - SEWER RATES AND INTERIM GROWTH MANAGEMENT**

Recommendation:

1. Receive and adopt final draft of 2019 Wastewater Rate Study Report prepared by NBS;
2. Open public hearing and receive public comment;
3. Request submission or withdrawal of proposition 218 protest letters from the public/audience;
4. Close public hearing and allow Deputy City Clerk, or designee, to tabulate final Proposition 218 protest letter count;
5. Receive and accept verbal report from Deputy City Clerk, or designee, on ballot tabulation results;
6. Adopt resolution approving wastewater rates adjustments;
7. Waive the first and second reading of the ordinance; and
8. Introduce the ordinance amending Chapter 13.16 of the Morgan Hill Municipal Code.

Estimated Time: 20 Minutes

**11. APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION TO REJECT A RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) APPLICATION FOR PROPERTY IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 817-04-059, LOCATED ALONG TENNANT AVENUE, WEST OF VINEYARD BOULEVARD (OSITO HOLDINGS, LLC, APPLICANT)**

Recommendation:

City Council to consider the appeal and determine whether the applicant's modified plans may be accepted allowing the project to continue in the 2018 RDCS competition.

Estimated Time: 15 Minutes

## **FUTURE COUNCIL INITIATED AGENDA ITEMS**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

## **ADJOURNMENT**

## NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

## PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email [michelle.wilson@morganhill.ca.gov](mailto:michelle.wilson@morganhill.ca.gov).

## AMERICANS WITH DISABILITIES ACT (ADA)

*In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email [michelle.wilson@morganhill.ca.gov](mailto:michelle.wilson@morganhill.ca.gov). Requests must be made as early as possible and at least two-full business days before the start of the meeting.*

# SUSTAINABLE MORGAN HILL



## **Vision:**

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community

## ***Choose Morgan Hill:***

*The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.*

## **CITY COUNCIL ONGOING PRIORITIES**

Enhancing Public Safety · Protecting the Environment · Maintaining Fiscal Responsibility ·  
Supporting Our Youth, Seniors, and Entire Community · Fostering a Positive Organizational  
Culture · Preserving and Cultivating Public Trust · Preserving Our Community History ·  
Enhancing Diversity and Inclusiveness · Advancing Regional Initiatives

## **2019-2020 STRATEGIC PRIORITIES**

Agricultural Preservation  
Cannabis Policy  
Community Engagement and Messaging  
Economic Development  
Financial Stewardship  
High Speed Rail  
Homelessness  
Housing Infrastructure  
Telecommunications  
Traffic/Transportation