



**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, May 1, 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.

SPECIAL MEETING

6:00 P.M.

CALL TO ORDER

Mayor Constantine called the meeting to order 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	Present	
Yvonne Martinez Beltran	Council Member	Late	6:30 PM
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 items.

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-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

REGULAR MEETING

7:00 P.M.

RECONVENE

The meeting reconvened at 7:02 p.m.

CITY ATTORNEY'S REPORT

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

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member McKay shared that he has been very active listening and learning about the role of the Council. He has spent a great deal of time learning about affordable housing and the housing crisis in general. There are a lot of discussions going on and some of the changes coming down from Sacramento could have very substantial impacts to our local community. He mentioned that a few weeks ago, he attended the Poppy Jasper International Film Festival. It is an internationally recognized film festival that started here in Morgan Hill several years ago and has been recently resurrected. It was a fantastic event with great films. He shared that the Art a la Carte event, which is put on by the Library, Culture, and Arts Commission, took place last weekend. The Morgan Hill Downtown Association also held the Art and Wine

Stroll last weekend which is another wonderful event. He concluded by sharing that he and Council Member Spring attended the South County Indian Association Holi Celebration. It was a lot of fun and a great opportunity to see some of the diversity in our community.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke regarding the evening's supplements and presentations. She shared that in support of the Council's ongoing priorities of enhancing public safety, as well as, enhancing diversity and inclusiveness, last week the City held its first "Listos" class which is a grass roots disaster preparedness program tailored towards Spanish speaking communities. The next class will take place on May 2nd and will cover the use of extinguishers, disaster medicine, team organization, and psychology. For more information please contact Maureen Tobin.

She announced that this year, we will launch Engage Morgan Hill by incorporating it with the Mid-Cycle Budget Workshop on Wednesday, May 22nd at 6:00 p.m. The hope is that by having it in the evening rather than during the day, we will have more participation from the community. She encouraged the community to attend to learn more about the City's financial landscape as we embark on the Engage Morgan Hill Community Conversation, where we will cover services, funding, and priorities.

She mentioned that we have several proclamations on the agenda tonight, one of which is Affordable Housing Weeks. She shared that in conjunction with the annual Affordable Housing Weeks, the cities and county have over 30 events taking place geared toward the subject of housing. In the spirit of community collaboration, every city in the county is proclaiming and recognizing the weeks of May 3rd through 17th as Affordable Housing Weeks. She encouraged the community to join us as we host Affordable Housing Week 2019 where we bring our community together to learn, engage, act, and explore how we can work to make Silicon Valley a more affordable place to live. There will be a variety of workshops, trainings, walking and bike tours, the annual policy luncheon, and much more. Last night, we had over 90 attendees at the Measure A First Time Home Buyer Down Payment Assistance Workshop. Saturday, May 4th we will be holding an Accessory Dwelling Unit (ADU) Workshop at the Council Chamber with the Housing Trust of Silicon Valley, where we will be showcasing an ADU microunit.

She concluded by introducing and welcoming Dale Martin, as the new Fire Captain working with the City.

OTHER REPORTS

None.

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

The public comment was opened at 7:19 p.m. The following people were called to speak:

Ranga Rayvou

Joe Baranowski

Bryan Espirith

Terry Williams

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:	Rene Spring, Mayor Pro Tem
SECONDER:	John McKay, Council Member
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 through 5, 7, and 8.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Yvonne Martinez Beltran, Council Member
SECONDER:	Rene Spring, Mayor Pro Tem
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

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. RECEIVE REPORT REGARDING PARK DEVELOPMENT GRANT OPPORTUNITY

Recommendation:

Receive report on park development grant opportunity.

6. ITEM PULLED FOR DISCUSSION

7. APPROVE THE APRIL 17, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

8. APPROVE THE APRIL 17, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEM PULLED FOR DISCUSSION

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.

Valley Water Board Member for District 1, John Varela, provided information regarding the importance of the subsidy for agricultural water rates.

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

9. ACCEPT 2019 CITY INFRASTRUCTURE UPDATE REPORT

Recommendation:

Accept the updated 2019 Report on City Infrastructure.

Public Services Director Chris Ghione presented the report.

The public comment was opened at 8:10 p.m.

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

RESULT:	ACCEPT REPORT
----------------	----------------------

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.

Accounting Manager Harjot Sangha presented the report.

The public hearing was opened at 8:20 p.m.

Gary Jensen was called to speak.

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

The meeting was recessed at 8:24 p.m. to count the protests.

The meeting reconvened at 8:36 p.m.

Deputy City Clerk Michelle Bigelow announced that there were 69 protests received and accepted, which did not meet the minimum needed.

MOTION:

Adopting the resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rich Constantine, Mayor
SECONDER:	Rene Spring, Mayor Pro Tem
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

MOTION:

Waiving the first and second reading of the ordinance.

RESULT:	WAIVED [UNANIMOUS]
MOVER:	Rene Spring, Mayor Pro Tem
SECONDER:	Rich Constantine, Mayor
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

MOTION:

Introducing the ordinance.

RESULT:	INTRODUCED [UNANIMOUS]
MOVER:	Rene Spring, Mayor Pro Tem
SECONDER:	John McKay, Council Member
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

11. APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION TO REJECT A RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCE) 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 RDCE competition.

Community Development Director Jennifer Carman presented the report.

The public hearing was opened at 8:43 p.m. The following people were called to speak:

David Halvorsen

Bill McClintock

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

MOTION:

Granting the appeal with original site design with corrected labeling not moving the building and recovering the actual appeal costs and waiving the difference between the actual costs and the current fee charged.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:24 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk