



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 15, 2019 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 7:01 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	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.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Martinez Beltran shared what a wonderful event the AMGEN Tour of California Race was and congratulated staff on all of their hard work. She also shared that she is on the Silicon Valley Clean Energy Board (SVCE) and they are currently working on "REACH" Codes which help encourage that building codes are more environmentally friendly. She attended a women's lunch held by the Congress Woman Zoe Lofgren, which was another great opportunity to advance women and girls in our community. She concluded by sharing that today, she attended the opening for one of our affordable housing developments which includes three different sites. She recognized Leslie Little, Rebecca Garcia, Christie Thomas, and Jim Rowe for their outstanding work on these projects.

CITY MANAGER'S REPORT

City Manager Christina Turner shared that we had a very successful AMGEN Tour of California Race yesterday. The race was televised internationally, and it really put Morgan Hill and the Bay Area on the map. The event gave us a chance to highlight our community for its beautiful landscape and cycling culture. The race was won by a team sponsored by Specialized Bikes which has its home here in Morgan Hill. While the event organizers were off on their estimate of when they would be done with the race which caused additional traffic delays, the communications that city hall has received have been overwhelmingly positive with a strong sense of pride. She thanked the many community partners for helping organize around the event with an early school schedule, as well as, numerous bike and community celebrations leading up to and after the race. The community partners include the Chamber of Commerce, Morgan Hill Unified School District, Specialized, Bike Therapy, Guglielmo Winery, and many others. The entire City team came together to support this event and we are grateful for a job well done. She recognized a few teammates that were very instrumental and went above and beyond; Chris Ghione, Edith Ramirez, John Lang, Jennie Tucker, Debbie Vasquez, Nichole Martin, Hilary Holeman, and Maureen Tobin. She also thanked the community for welcoming the AMGEN race.

She shared that next Tuesday, May 21st at 7:00 p.m. in the Council Chamber, the City will hold a community meeting regarding the proposed Trammell Crow development. She announced that next Wednesday, May 22nd at 6:00 p.m. in the Council Chamber, the City will hold the Engage Morgan Hill Workshop. We will talk about the second year of our two-year budget and Engage Morgan Hill. She also announced that on Wednesday, May 29th at 7:00 p.m. in the Council Chamber, The Santa Clara Valley Transportation Authority (VTA), the City of Morgan Hill, and the Chamber of Commerce will hold a community workshop about Morgan Hill's Community Based Transportation Plan that is being presented. The plan brings together residents, the community, organizations, and transportation agencies to identify low income neighborhoods and communities of concern, but most importantly, looking at the challenges facing transportation. The agencies are working together to develop strategies to help overcome the challenges.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin spoke regarding SB330, the Housing Crisis Act of 2019 which is sponsored by Senator Skinner. Most significantly in the current version of the bill, it would prohibit cities from establishing or maintaining a population cap in their general plan and it would prohibit cities from enforcing or implementing limits on the number of building permits issued for housing in any given year which is essentially directly aimed at our Measure S, Residential Development Control System (RDCS) growth control measure. The bill would also prohibit us from adopting new ordinances or standards after a housing project has been preliminarily applied for, meaning that before the application is complete. We could not enforce any new parking requirements and we cannot enforce our existing parking requirements if they exceed certain state standards that are significantly lower than what are standards are or would be. It would require us to allow projects to develop at the maximum possible density allowed in the general plan, regardless of what our zoning says. He shared that the bill is very extensive, and he

is just sharing the highlights. One other provision that is of note, is that the bill would reduce our ability to enforce our safe building standards and that a property owner who receives a notice of violation could have up to seven years to repair or remedy the violations, unless there is imminent danger to health or safety. He concluded by stating that he is bringing this to the Council's attention early, before it is adopted, because he feels that it will be important for all of us including the Council, residents, and others to reach out to our legislators to do what we can to improve this bill and to recognize that as a City we are doing a lot to support our entire community, but that a one size fits all approach is not what our Council has proposed and not what our citizens voted for.

OTHER REPORTS

Council Member Martinez Beltran announced that the Sister Cities Association will be holding the South Valley Wine Tasting and Charity Auction Saturday, May 18th at 6:00 p.m. at the Community and Cultural Center. She shared that this would be a great opportunity if you are interested in volunteering. They will be auctioning off several items including a week in Italy and some other great stuff.

PRESENTATION

YOUTH ACTION COUNCIL (YAC) ASSET #18 - YOUTH PROGRAMS

PROCLAMATIONS

Foster Care Awareness Month
May 2019
Emma Rodriguez

Older Americans Month
May 2019
Debbie Vasquez
Denise Melroy

National Peace Officer Memorial Day and National Police Week
May 15, 2019
May 12 - 18, 2019
David Swing

RECOGNITIONS

South County Regional Wastewater Authority (SCRWA) Team Recognition
Gabe Gonzalez
Saeid Vaziry

Awarding the Recycler of the Year Award to Sinaloa Restaurant
Roman Beltran
Elmer Orellana

Poppy Jasper International Film Festival
Mattie Scariot & Board

PUBLIC COMMENT

The public comment was opened at 7:45 p.m.

Joe Baranowski was called to speak.

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

EMAIL RECEIVED FROM PUBLIC

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

1. ACCEPT FRIENDS OF THE MORGAN HILL SENIOR CENTER GRANT

Recommendation:

Accept a \$35,000 grant from the Friends of the Morgan Hill Senior Center.

2. ACCEPT MARCH 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

3. APPROVE FIRST AMENDMENT TO GILROY STAFF SERVICES AGREEMENT

Recommendation:

Authorize the City Manager to execute the First Amendment to the Gilroy Staff Services Agreement for Stormwater Permitting Requirements and Environmental Management Services.

4. ADOPT RESOLUTION AUTHORIZING ENVIRONMENTAL ENHANCEMENT AND MITIGATION (EEM) PROGRAM GRANT APPLICATION

Recommendation:

Adopt resolution approving the following actions:

1. Authorize staff to prepare and submit an EEM Program Grant application to the California Natural Resources Agency (CNRA) for the implementation of the Hale Avenue Grove and Trail Project;
2. Authorize the City Manager to negotiate and execute the EEM grant agreement and other documents, reports, forms, and agreements related to the performance of the identified projects; and
3. Approve CEQA Categorical Exemption of this project.

**5. ADOPT RESOLUTION AUTHORIZING TRANSPORTATION DEVELOPMENT ACT
ARTICLE 3 GRANT APPLICATION**

Recommendation:

Adopt resolution approving the following actions:

1. Authorizing staff to prepare and submit a Transportation Development Act (TDA) Article 3 Bicycle Expenditure Program (BEP) grant application to the Santa Clara Valley Transportation Authority for implementation of the Madrone Channel Trail Improvements project; and
2. Authorizing the City Manager to negotiate and execute the TDA grant agreement and other documents, reports, forms, and agreements related to the performance of the identified project.

6. ITEM PULLED FOR DISCUSSION

7. ADOPT ORDINANCE 2302 NEW SERIES, AMENDING SECTIONS 13.16.030 "RATES- RESIDENTIAL AND NONRESIDENTIAL", 13.16.035 "RATES-LOW INCOME", 13.16.040 "RATES- MOBILE HOME UNITS", 13.16.080 "RATE INCREASES-EFFECTIVE WHEN", 13.16.090 "RATES - ADJUSTMENT PROCEDURE - APPEAL", OF CHAPTER 13.16 "SEWER RATES AND INTERIM GROWTH MANAGEMENT" OF TITLE 13 PUBLIC SERVICES OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING THE ESTABLISHMENT AND INCREASE OF SEWER RATES

Recommendation:

Waive the reading, adopt Ordinance No. 2302, 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.

8. APPROVE THE MAY 1, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED DISUCSSION

6. ADOPT ANNEX 11 MORGAN HILL COMMUNITY WILDFIRE PROTECTION PLAN (CWPP)

Recommendation:

1. Accept the Santa Clara County Community Wildfire Protection Plan, including Annex 11 "City of Morgan Hill"; and
2. Adopt resolution adopting the Morgan Hill Annex to the Santa Clara County Community Wildfire Protection Plan as the City of Morgan Hill's Community Wildfire Protection Plan.

Fire Chief Jake Press provided a report.

MOTION:

Approving the recommended actions.

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

The meeting was recessed at 8:02 p.m.
The meeting was reconvened at 8:14 p.m.

PUBLIC HEARING

9. INITIATE ANNUAL ASSESSMENT PROCESS FOR LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

Adopt resolutions approving the following actions:

1. Initiate the proceedings for the levy of assessments for Fiscal Year 2019-20;
2. Approve the Engineer's Annual Report and the proposed assessment levy; and
3. Declare the City Council's intention to levy the assessments in the District and to set the Public Hearing date for June 5, 2019.

Public Services Director Chris Ghione presented the report.

The public hearing was opened at 8:17 p.m.
There being no requests to speak, the public hearing was closed.

The public hearing was re-opened at 8:18 p.m.
There being no requests to speak, the public hearing was closed.

MOTION:

Approving the recommended actions.

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

OTHER BUSINESS

10. APPROVE LEADERSHIP MORGAN HILL DOWNTOWN BIKE RACK PROJECT

Recommendation:

1. Approve the 2019 Leadership Morgan Hill Class Downtown Bike Rack Project; and
2. Direct City staff to coordinate final design and installation of the Bike Rack Project.

Public Services Director Chris Ghione presented the report. Andrew Chafer, on behalf of the 2019 Leadership Morgan Hill Class provided the presentation.

The public comment was opened at 8:36 p.m.
There being no requests to speak, the public comment was closed.

MOTION:

Approving the recommended actions.

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

11. APPROVE AGREEMENT BETWEEN THE CITY AND VISIT MORGAN HILL FOR SERVICES RELATED TO THE MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT

Recommendation:

1. Approve agreement for services with Visit Morgan Hill for administration and delivery of services related to the Morgan Hill Tourism Business Improvement District (MHTBID) and to receive \$100,000 in contributions from Visit Morgan Hill for 2018 Amgen, 2019 Amgen, and costs associated with establishing the MHTBID; and
2. Authorize the City Manager to administer and amend the agreement as needed.

Economic Development Director Edith Ramirez and Accounting Manager Harjot Sangha presented the report.

The public comment was opened at 8:55 pm.

John Horner was called to speak.

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

MOTION:

Approving the recommended actions.

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

12. ADOPT RESOLUTION CALLING SPECIAL ELECTION ON MARCH 3, 2020 AND PLACING ON THE BALLOT ORDINANCE NO. 2295, NEW SERIES (AMENDING THE PLANNED DEVELOPMENT MASTER PLAN FOR THE “MADRONE VILLAGE SHOPPING CENTER” LOCATED ON THE NORTHWEST CORNER OF MADRONE PARKWAY AND COCHRANE ROAD) (ASSESSOR’S PARCEL NUMBERS 726-33-029, 030, AND 031)

Recommendation:

1. Adopt resolution calling for a special municipal election on Tuesday March 3, 2020 and submitting to City voters, a ballot measure relating to Ordinance No. 2295, New Series, amending the Planned Development Master Plan for the “Madrone Village Shopping Center” located on the northwest corner of Madrone Parkway and Cochrane Road (APNs 726-33-029, 030 and 031); and
2. Adopt resolution requesting the Board of Supervisors of the County of Santa Clara for the conduct of a Special Municipal Election to be held on Tuesday, March 3, 2020.

City Attorney Donald Larkin provided the report.

The public comment was opened at 9:07 p.m. The following people were called to speak:

John Horner

Brad Krouskup

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

MOTION:

Adopting amended resolution 1-A and resolution 1-B and authorizing all members of the City Council to file the argument and delegating the authoring of the arguments to the Mayor.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session items.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 9:21 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 9:22 p.m.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

APN: 81706001

Agency Negotiators: Christina Turner and Chris Ghione

Chu John C and May-Jih C Trustee

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

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

Two potential cases (corrected from: one potential case)

RECONVENE

The meeting reconvened at 10:31 p.m.

CLOSED SESSION ANNOUNCEMENT

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

ADJOURNMENT

There being no further business, the meeting adjourned at 10:32 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk