



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, July 17, 2019 6:00 pm

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

PUBLIC NOTICE

The public hearing regarding **Development Agreement DA2018-0001: Old Monterey - Kelly Vo**, that was publicly noticed for consideration by the City Council at this meeting has been continued to date uncertain.

TELECONFERENCE

Council Member Martinez Beltran participated in the meeting via teleconference as follows:

The Westgate Hotel
Business Center
1055 2nd Ave
San Diego, CA 92101

Public comment from the teleconference location was allowed.

SPECIAL/REGULAR MEETING

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

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	Present	
Yvonne Martinez Beltran	Council Member	Remote	
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.

WORKSHOP

The Purpose of this workshop is to:

- Share California High Speed Rail Authority (CHSRA) staff - recommended State's Preferred Alternative and process for identifying the State's Preferred Alternative;
- Provide Council Members with the opportunity to discuss the CHSRA staff recommendation; and
- Collect Council feedback on the CHSRA staff-recommended State's Preferred Alternative.

PRESENTATION AND HANDOUTS

WORKSHOP SUPPLEMENT

WORKSHOP- UPDATED PRESENTATION

Council Member Carr excused himself from the dais.

City Manager Christina Turner introduced the item. Borris Lipkin with the High Speed Rail Authority provided the presentation.

The public comment was opened at 7:05 p.m. The following people were called to speak:

Diane Holmes

Dick Oliver

Roland Lebrun

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

Economic Development Director Edith Ramirez concluded the presentation.

The special meeting adjourned at 7:37 p.m.

REGULAR MEETING

7:00 P.M.

Council Member Carr resumed his seat at the dais.

The regular meeting was called to order at 7:43 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC PRESENTATION - ASSET #27- EQUALITY AND SOCIAL JUSTICE

CITY COUNCIL REPORTS

Mayor Pro Tem Spring shared that he misses the days when friends could talk to each other about politics without the ugliness. He shared what it was like for him growing up in Switzerland and his thoughts on separating children from their families. He encouraged the community to not remain silent and to speak up.

CITY MANAGER'S REPORT

City Manager Christina Turner mentioned the evening's supplements and presentations.

She announced that on July 26th, next Friday, the City will hold its Annual City Council Mid-Year Goal Review Workshop where they will review and discuss the Council's priorities and staff workplans and provide project updates. She shared that the workshop is open to the public and she encouraged community members to attend or tune in through the City's website or Channel 17.

She then announced that the following day, Saturday, July 27th, the City will hold the second Engage Morgan Hill Community Advisory Group meeting which will focus on the basics of the City's budget. This group is comprised of community leaders who meet monthly to learn more about City operations and services to help develop recommendations to the City Council about how we can remain fiscally sustainable. She invited the community to stay engaged with this initiative by frequently visiting www.engagemorganhill.com or contacting Maureen Tobin.

She concluded by sharing that National Night out will take place on Tuesday, August 6th downtown from 5:30 to 8:00 pm and encouraged the community to attend.

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

Council Member Martinez Beltran shared that if community members want to get involved with helping immigrants, there will be trainings coming up and the community can learn more by visiting www.sacredheartcs.org.

She also announced that this year is the 99th anniversary of women earning the right to vote. Women's Equality Day will be on August 26th and there will be many celebrations throughout the community.

PUBLIC COMMENT

PUBLIC COMMENT SUPPLEMENT

The public comment was opened at 8:04 p.m.

Joe Baranowski was called to speak.

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, 6, and 8 through 15.

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

1. APPROVE FEE WAIVER FOR USE OF THE DOWNTOWN AMPHITHEATER BY THE FORD STORE MORGAN HILL

Recommendation:

Authorize the City Manager to waive facility rental fees of \$512 for use of the Downtown Amphitheater by The Ford Store Morgan Hill.

2. ITEM PULLED FOR DISCUSSION

3. ITEM PULLED FOR DISCUSSION

4. ITEM PULLED FOR DISCUSSION

5. ITEM PULLED FOR DISCUSSION

6. APPROVE SENIOR ACCOUNTANT SALARY RANGE AND AFSCME SALARY SCHEDULE

Recommendation:

1. Approve the Senior Accountant monthly salary range of \$7,220 - \$9,215; and
2. Approve the American Federation of State, County, and Municipal Employees (AFSCME) Salary Schedule.

7. ITEM PULLED FOR DISCUSSION

8. ACCEPT 2018 PAVEMENT RESURFACING PROJECT

Recommendation:

1. Accept as complete, the 2018 Pavement Resurfacing Project, in the final amount of \$1,528,721;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

9. ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS – MONTEREY PARQUE – TRACT NO. 10331

Recommendation:

1. Accept the subdivision public improvements for Monterey Parque – Tract No. 10331;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

10. ACCEPT REPORT REGARDING CITY RECREATION PROGRAMS OVERVIEW

Recommendation:

Receive report.

11. ACCEPT MAY 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

12. ACCEPT ANNUAL EVALUATION REPORT FOR THE SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FISCAL YEAR 2018-19 (YEAR 4) RELATING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROGRAM

Recommendation:

Accept the Annual Evaluation Report for FY 2018-19 (Year 4) of the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI).

13. AWARD TENNANT AVENUE SEWER MAIN PROJECT

Recommendation:

1. Approve Tennant Avenue Sewer Main Project plans and specifications;
2. Award contract to KJ Woods Construction for the Tennant Avenue Sewer Main Project in the amount of \$2,148,000;
3. Authorize expenditure of construction contingency funds not to exceed \$322,200; and
4. Authorize the City Manager to execute and administer the construction contract with KJ Woods Construction.

14. RATIFY CITY POSITION ON PENDING LEGISLATION: AB 516 AUTHORITY TO REMOVE VEHICLES, SB 13 ACCESSORY DWELLING UNITS, AB 68 LAND USE:

**ACCESSORY DWELLING UNITS, AB 1763 PLANNING AND ZONING: DENSITY
BONUSES: AFFORDABLE HOUSING, AND SB 592 HOUSING ACCOUNTABILITY ACT**

Recommendation:

1. Receive legislative correspondence in opposition of AB 516 Authority to remove vehicles;
2. Receive legislative correspondence in opposition of SB 13 Accessory dwelling units;
3. Receive legislative correspondence in opposition of AB 68 Land use: accessory dwelling units;
4. Receive legislative correspondence in opposition of AB 1763 Planning and zoning: density bonuses: affordable housing;
5. Receive legislative correspondence in opposition of SB 592 Housing Accountability Act; and
6. Ratify City's positions.

15. APPROVE THE JUNE 26, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

**2. APPROVE RESOLUTION AUTHORIZING GRANT APPLICATION AND AUTHORIZING
THE CITY MANAGER TO EXECUTE GRANT-RELATED AGREEMENTS AND DOCUMENTS**

Recommendation:

Adopt the resolution approving the following actions:

1. Authorizing staff to prepare and submit a Statewide Park Development and Community Revitalization Program Grant Application to the State of California Department of Parks and Recreation for an amount not to exceed \$8,500,000 for the development of the proposed park at Butterfield Boulevard and Monterey Road; and
2. Authorizing the City Manager to negotiate and execute the Statewide Park Development and Community Revitalization Program Grant agreement and other documents, reports, forms, and agreements related to the performance of the identified project.

Program Administrator Anthony Eulo and Public Services Director Chris Ghione provided the report.

The public comment was opened at 8:19 p.m.

Jodi Hall was called to speak.

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

MOTION:

Approving the recommended actions.

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

3. APPROVE AGREEMENT WITH AXON FOR BODY WORN CAMERAS

Recommendation:

1. Approve a 5-Year Sales Agreement with AXON for the purchase of body worn cameras, cloud storage, service and maintenance; and
2. Authorize City Manager to execute 5-Year Agreement with AXON for an amount not to exceed \$194,405.

Police Chief David Swing provided the report.

The public comment was opened at 8:25 p.m.

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

MOTION:

Approving the recommended actions.

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

4. APPROVE DESIGN SERVICES AGREEMENT FOR WEST LITTLE LLAGAS CREEK TRAIL PROJECT

Recommendation:

Authorize the City Manager to execute and administer a consultant agreement with Verde Design, Inc. for a not to exceed amount of \$199,895, for design of the West Little Llagas Creek Trail Project.

Senior Project Manager Yat Cho provided the report.

The public comment was opened at 8:29 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:	Rene Spring, Mayor Pro Tem
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

5. APPROVE FUNDING AGREEMENT WITH THE BOYS AND GIRLS CLUBS OF SILICON VALLEY

Recommendation:

Authorize the City Manager to execute a funding agreement with the Boys and Girls Clubs of Silicon Valley for Park Place Apartments youth program services.

Community Services Supervisor Mariah Dabel provided the report.

The public comment was opened at 8:37 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

7. APPROVE PURCHASE OF THREE UNMARKED POLICE VEHICLES

Recommendation:

1. Approve the purchase and build out of three new unmarked replacement vehicles for the Police Department for the not to exceed amount of \$138,212, which includes 10% contingency of \$12,565;
2. Approve repurposing of the existing three unmarked vehicles within the Police Department; and
3. Authorize the City Manager to approve the purchase order with Priority 1 Public Safety Equipment Installation, Inc.

Administrative Sergeant Mario Ramirez answered questions.

The public comment was opened at 8:47 p.m.

There being no 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

OTHER BUSINESS

16. RECEIVE REPORT ON PREVENTATIVE GUN VIOLENCE MEASURES AND PROVIDE DIRECTION FOR FIREARMS SAFETY EDUCATION

Recommendation:

1. Accept report regarding preventative gun violence measures the City has implemented; and
2. Provide direction for firearms safety education.

Police Captain Shane Palsgrove offered his condolences to the families of the victims of the Ford Store shooting and presented the report.

The public comment was opened at 9:08 p.m. The following people were called to speak:

Dave Truslow

Brian Wang

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

The City Council accepted the report and provided direction.

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

The meeting recessed at 9:25 p.m.

The meeting reconvened at 9:31 p.m.

17. ACCEPT DONATION OF AN AMBULANCE TO FIRE AND APPROVE ASSOCIATED REQUIREMENTS TO PLACE IN SERVICE

Recommendation:

1. Accept the donation of an ambulance from Monterey County Regional Fire District;
2. Adopt resolution amending Fiscal Year 2019-20 adopted budget to appropriate \$100,000 from the General Fund and a transfer of \$25,000 from Fire Impact Fund (313) to the General Fund (010), for one-time costs to place the ambulance in service, operate the ambulance and the capability to bill for treatment and transport; and
3. Authorize the City Manager to approve, amend and execute agreements to operate the ambulance within Santa Clara County Emergency Medical Services (EMS) and other agencies that are required to place the ambulance in service for use.

Fire Chief Jake Hess provided the report.

The public comment was opened at 10:26 p.m.

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

MOTION:

Approving the recommended actions.

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

18. APPROVE SECOND AMENDMENT TO THE 911 EMERGENCY MEDICAL SERVICES PROVIDER AGREEMENT BETWEEN THE CITY OF MORGAN HILL AND THE COUNTY OF SANTA CLARA TO EXTEND THE TERM OF THE AGREEMENT AND THE USE OF THE MEDICAL PRIORITY DISPATCH SYSTEM

Recommendation:

1. Approve the Second Amendment to the Agreement with the County of Santa Clara Emergency Medical Services Agency relating to providing 911 emergency medical services extending the Agreement for a 36-month period through June 30, 2022;
2. Authorize the City Manager to include ambulance transport services provided by Morgan Hill Fire in the Second Amendment, subject to Council action on Agenda Item #17 - Ambulance Donation; and
3. Authorize the City Manager to execute the agreement.

Fire Chief Jake Hess provided the report.

The public comment was opened at 10:41 p.m.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring proposed that we look into a responsible construction ordinance.

Council Member Carr requested that we get an update on the Santa Clara Valley Habitat Agency.

Council Member Martinez Beltran would like to review the City's RFP process.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session items.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 10:45 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 10:46 p.m.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Pursuant to Government Code Section 54956.9(a)
Case Name: Patton et al. v. City of Morgan Hill, et al.
Case Number: Santa Clara County Superior Court Case No. 16-CV-303044
Number of Cases: One (1)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Pursuant to Government. Code Section 54956.9(d)(1)
Case Name: Brandon v. City of Morgan Hill and Innovative Claim Solutions, Inc.
Case Numbers: Workers' Compensation Claim Nos:
MHL1800030; MHL1800023, WCAB ADJ11309060; UNASSIGNED

RECONVENE

The meeting reconvened at 10:59 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Donald Larkin announced that there were no reportable actions.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:00 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk