



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

Wednesday, September 4, 2019 6:00 p.m.

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

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 Michelle Bigelow

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to: Government Code Section 54956.9(d)(4)

Number of Cases: One (1)

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

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

RECOGNITIONS

Rita Chavez Medina

PROCLAMATIONS

Proclaiming September 2019 as National Preparedness Month
Jennifer Ponce

Honoring Jacob's Heart Children's Cancer Support Services and Proclaiming September 2019 as
Childhood Cancer Awareness Month
Fatima Alabbad

PRESENTATIONS

Healthier Kids Foundation
Sunny Ochoa and Maria Padilla

September 4, 2019

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)

PUBLIC COMMENT SUPPLEMENT

PUBLIC COMMENT SUPPLEMENT 2

PUBLIC COMMENT SUPPLEMENT 3

ADOPTION OF AGENDA

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. APPROVE CONSULTANT AGREEMENT WITH MAZE & ASSOCIATES FOR AUDIT SERVICES FOR THREE FISCAL YEARS

Recommendation:

Authorize the City Manager to execute and administer a consultant agreement with Maze & Associates for the not to exceed amount of \$111,853 for audit services for three fiscal years.

2. APPROVE UPDATES TO THE PUBLIC ART INVENTORY

Recommendation:

Approve updated Public Art Inventory.

3. APPROVE AGREEMENT WITH CIVIC FOUNDRY LLC FOR INFORMATION TECHNOLOGY SERVICES

Recommendation:

1. Approve agreement with Civic Foundry LLC for Information Technology management for a not to exceed amount of \$180,000; and
2. Authorize the City Manager to execute and administer the agreement.

4. APPROVE STORMWATER BEST MANAGEMENT PRACTICES (BMP) OPERATION AND MAINTENANCE AGREEMENT FOR THE SHOE PALACE PROJECT LOCATED AT 745 JARVIS DRIVE (PORTION OF ASSESSOR PARCEL NUMBERS 726-30-012 & 726-30-013)

Recommendation:

1. Approve a Stormwater Best Management Practices (BMP) Operation and Maintenance Agreement for the Shoe Palace Project located at 745 Jarvis Drive (Portion of APNs: 726-30-012 & 726-30-013); and
2. Authorize the City Manager to execute the Stormwater BMP Operation and Maintenance Agreement pending review and approval by the City Attorney.

5. ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS - ALTIMIRA - TRACT NO. 10411

Recommendation:

1. Accept the Subdivision Public Improvements for Altimira – Tract No. 10411;
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.

6. AWARD MORGAN HILL LIBRARY ADDITION PROJECT TO SELDEN & SON

Recommendation:

1. Approve the Morgan Hill Library Addition Project plans and specifications;
2. Award contract to Selden & Son for the Morgan Hill Library Addition Project in the amount of \$1,985,800;
3. Authorize expenditure of construction contingency funds not to exceed \$198,580; and
4. Authorize the City Manager to execute and administer the construction contract with Selden & Son pending review and approval by the City Attorney.

7. AWARD CENTENNIAL RECREATION CENTER POOL DECK RESURFACING PROJECT TO FLEXGROUND SURFACES, INC.

Recommendation:

1. Award contract to Flexground Surfaces, Inc. in the amount of \$56,224; and authorize the expenditure of contingency funds not to exceed \$20,000; and
2. Authorize the City Manager to execute and administer that certain construction contract with Flexground Surfaces, Inc.

8. ADOPT RESTATED INTERNAL REVENUE SERVICES (IRS) SECTION 125 FLEXIBLE BENEFITS PLAN DOCUMENT FOR THE CITY OF MORGAN HILL

Recommendation:

1. Adopt resolution approving the City of Morgan Hill's Section 125 flexible benefits plan; and
2. Authorize the City Manager, or designee, to serve as the Plan Administrator.

9. ADOPT THE MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION AND CORRESPONDING SALARY SCHEDULE EFFECTIVE DECEMBER 29, 2019

Recommendation:

Adopt the Management, Professional, and Confidential Employees Resolution and corresponding salary schedule effective December 29, 2019.

10. ADOPT RESOLUTION APPROVING APPLICATION FOR PER CAPITA PROP 68 GRANT FUNDING

Recommendation:

Adopt resolution authorizing a grant agreement with the State of California.

11. RATIFY CITY POSITION ON PENDING LEGISLATION SB 266 PUBLIC EMPLOYEES' RETIREMENT SYSTEM: DISALLOWED COMPENSATION: BENEFIT ADJUSTMENTS

Recommendation:

1. Receive legislative correspondence in opposition of SB 266 Public Employees' Retirement System: disallowed compensation: benefit adjustments; and
2. Ratify City's position.

12. APPROVE THE JULY 17, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

13. APPROVE THE JULY 26, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARING

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

Recommendation:

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

Estimated Time: 30 Minutes

15. INTRODUCE ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH APPLETREE INVESTMENT, LLC. FOR A 6-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION PROJECT PROPOSED ON A 1.13-ACRE PARCEL LOCATED ON THE SOUTHWEST CORNER OF OLD MONTEREY ROAD AND MUSTARD AVE LOCATED AT 18755 OLD MONTEREY ROAD. (APN 764-24-061) (OLD MONTEREY-KELLY VO PROJECT)

Recommendation:

1. Open and close public hearing;
2. Waive first and second hearing of Development Agreement Ordinance; and
3. Introduce Development Agreement Ordinance.

Estimated Time: 15 Minutes

16. APPEAL OF THE PLANNING COMMISSION DISTRIBUTION OF THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) BUILDING ALLOTMENTS FOR FISCAL YEAR 2020-21. THE APPLICANT REQUESTED 246 RESIDENTIAL BUILDING ALLOTMENTS AND WAS DENIED RDCS BUILDING ALLOTMENTS BY THE PLANNING COMMISSION. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 728-30-001, IS LOCATED ON THE NORTH SIDE OF HALF ROAD BETWEEN CONDIT ROAD AND MISSION VIEW DRIVE. (FILE NO. AAE2019-0007 (RDCS2019-0006) HALF-DIVIDEND (FORMERLY BROOKFIELD)

Recommendation:

1. Grant a hearing de novo;
2. Open/close public hearing; and
3. Adopt resolution denying the appeal and reaffirming the distribution of the Residential Development Control System (RDCS) Building Allotments for Fiscal Year 2020-21.

Estimated Time: 15 Minutes

OTHER BUSINESS

17. ACCEPT PRELIMINARY JUNE 2019 FINANCIAL AND INVESTMENT REPORT, CITY MANAGER SIGNATURE AUTHORITY REPORT, AND DIRECT THE CITY MANAGER TO TRANSFER THE FY2018-19 GENERAL FUND'S SURPLUS TO THE CITY'S PENSION AND OPEB TRUSTS

Recommendation:

1. Accept and file report; and
2. Direct the City Manager to transfer the FY2018-19 General Fund's surplus, pending completion of the year-end audit, to the City's Pension and OPEB Trusts.

Estimated Time: 10 Minutes

18. APPROVE RESPONSE TO GRAND JURY REPORT TITLED "INQUIRY INTO GOVERNANCE OF THE VALLEY TRANSPORTATION AUTHORITY"

Recommendation:

Authorize the City Manager to file the Response to the Civil Grand Jury Report, "Inquiry into Governance of the Valley Transportation Authority", dated June 18, 2019 with the Presiding Judge of the Santa Clara County Superior Court.

Estimated Time: 15 Minutes

19. INTRODUCE ORDINANCE AMENDING CHAPTER 6.36- ANIMAL AND LAND USE, OF TITLE 6 - ANIMALS OF THE CITY OF MORGAN HILL MUNICIPAL CODE TO ALLOW HOBBYIST BEEKEEPING

Recommendation:

1. Waive first and second reading of Ordinance amending Chapter 6.36 "Animals and Land Use" to allow hobbyist beekeeping; and
2. Introduce Ordinance amending Chapter 6.36 "Animals and Land Use" to allow hobbyist beekeeping.

Estimated Time: 10 Minutes

20. PROVIDE DIRECTION REGARDING BUILDING ELECTRIFICATION INCENTIVES AND REQUIREMENTS INCLUDING REACH CODES

Recommendation:

Provide policy direction to staff on electrification initiatives.

Estimated Time: 20 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 cityclerk@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 cityclerk@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

