



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, September 18, 2019 7:00 pm

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

AMENDED AGENDA

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 Pro Tem Spring called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Absent	
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 OF THE AGENDA

Deputy City Clerk Michelle Bigelow declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Martinez Beltran spoke regarding her work on the Silicon Valley Clean Energy Board (SVCE). She announced that on Friday, September 20th at the City Hall Campus, students will be staging a Climate Action walkout. She spoke regarding the REACH codes and shared that Morgan Hill is one of the first three cities in Santa Clara County to bring this to their City Councils. She shared that SVCE has created an awards program to recognize the developments that are reducing the carbon footprint by going all electric. Here in Morgan Hill, the City Ventures Depot Station project has been awarded the 2019 All Electric Development of the Year Award.

She shared that last month was the 99th anniversary of women's right to vote and spoke about the many events that took place in celebration and recognition of Women's Week.

She concluded by sharing the work she has been doing with the Sister Cities Committee and their recent work with the city of Ameca in Mexico to reconnect as a Sister City.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke regarding the evening's supplements and presentations. She recommended that item 5 be deferred to the October 2, 2019 City Council meeting. She shared that she attended the High Speed Rail Authority (HSR) Board meeting yesterday and spoke during public comment in regard to the comment letter that the City submitted to HSR about the preferred alignment. The comments made by the board showed the importance of Morgan Hill representatives being present. The board unanimously approved alignment 4 and asked HSR staff to research some of our concerns.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin reported that there have been a number of health concerns reported related to vaping and flavored tobacco. Additionally, Council Member Carr has asked that a report come back to Council in regard to vaping. In the meantime, the Governor has issued an executive order that resolves some of the issues but not everything that we have been asked to address. We will be coming back to Council with a report on October 2nd with some recommendations related to flavored tobacco and an update on executive orders that have come out and the new laws that will be going into effect on January 1st.

OTHER REPORTS

Council Member McKay echoed Council Member Martinez Beltran's comments regarding their wonderful visit to Ameca, Mexico. He also commented on the wonderful Women's Week events hosted by the Chamber of Commerce, community, and team.

RECOGNITIONS

Recognizing Alyssa Buzbee-Good, author of The Journey

PROCLAMATIONS

Proclaiming September 30, 2019 as Lewy Body Dementia Awareness Day in honor of Susan Berghoff

Proclaiming the week of September 17-23, 2019 as Constitution Week

Proclaiming the month of September 15, 2019 to October 15, 2019 as Hispanic Heritage Month

PRESENTATIONS

YAC PRESENTATION - ASSET # 21 - ACHIEVEMENT MOTIVATION

PUBLIC COMMENT

PUBLIC COMMENT SUPPLEMENT 1

PUBLIC COMMENT SUPPLEMENT 2

The public comment was opened at 7:42 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:	Yvonne Martinez Beltran, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Spring, Martinez Beltran, Carr, McKay
ABSENT:	Constantine

CONSENT CALENDAR

MOTION:

Approving consent calendar items 2 through 4 and 6 through 8, continuing item 5 to the October 2, 2019 City Council Meeting.

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

1. ITEM PULLED FOR DISCUSSION

2. ACCEPT JULY 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

3. ACCEPT ANNUAL REPORTS OF ACTIVITIES BY NONPROFIT PARTNER ORGANIZATIONS

Recommendation:

Receive annual reports from City partner organizations.

4. APPROVE A UTILITY MUTUAL ASSISTANCE AGREEMENT

Recommendation:

1. Approve an agreement with California Water/Wastewater Agency Response Network (CalWARN) to provide mutual assistance during an emergency in accordance with the California Emergency Services Act and the California Disaster and Civil Defense Master Mutual Aid Agreement; and to provide reimbursement for equipment, supplies and personnel made available on an emergency basis; and
2. Authorize the City Manager to execute and administer the agreement.

5. APPROVE IMPACT FEE FREEZE AGREEMENT WITH MORGAN HILL RETAIL VENTURE, L.P. FOR THE DEVELOPMENT OF RETAIL SPACES IN THE SHOPPING CENTER KNOWN AS COCHRANE COMMONS

Recommendation:

1. Confirm that commercially zoned Assisted Living Facilities are not eligible for the Fee Freeze Program;
2. Approve an Impact Fee Freeze Agreement for the development of commercial retail/office buildings on 51 acres of Cochrane Commons; and
3. Authorize the City Manager to execute and administer the Impact Fee Freeze Agreement.

Item continued to the October 2, 2019 City Council meeting.

6. AWARD CENTENNIAL RECREATION CENTER EXPANSION PROJECT TO CRW INDUSTRIES, INC.

Recommendation:

1. Adopt resolution amending the Fiscal Year 2019-20 Budget to appropriate an additional \$805,000 from the Community Center Impact Fund (360), for the Centennial Recreation Expansion Project (CIP#138016);
2. Approve the Centennial Recreation Expansion Project plans and specifications;
3. Award contract to CRW Industries, Inc. for the Centennial Recreation Center Expansion Project in the amount of \$2,443,138;
4. Authorize the expenditures of construction contingency funds not to exceed \$244,314; and
5. Authorize the City Manager to execute and administer the construction contract with CRW Industries, Inc. pending review and approval by the City Attorney.

7. ADOPT ORDINANCE APPROVING A DEVELOPMENT AGREEMENT DA2018-0001: OLD MONTEREY- KELLY VO 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)

Recommendation:

Waive the reading, adopt Ordinance No. 2303, 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. ADOPT ORDINANCE AMENDING CHAPTER 6.36 ("ANIMALS AND LAND USE") IN TITLE 6 ("ANIMALS") OF THE MORGAN HILL MUNICIPAL CODE TO ALLOW RESIDENTIAL BEEKEEPING UNDER CERTAIN CIRCUMSTANCES

Recommendation:

Waive the reading, adopt Ordinance No. 2304, 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.

ITEMS PULLED FOR DISCUSSION

1. ACCEPT DONATION FROM JTJ MORGAN HILL RE, LLC FOR A SPEAKER SERIES

Recommendation:

Accept \$10,000 in donations from JTJ Morgan Hill RE, LLC for the production and support of a Choose Morgan Hill Speaker Series, highlighting the four key industry sectors identified in Morgan Hill's Economic Blueprint.

Economic Development Manager John Lang presented the report.

MOTION:

Approving the recommended action.

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

PUBLIC HEARING

9. ACCEPT THE 2019 PUBLIC HEALTH GOALS REPORT ON WATER QUALITY

Recommendation:

1. Take public comment and provide staff response; and
2. Accept and file the June 2019 Public Health Goals Report on Water Quality for the City of Morgan Hill.

Deputy Director for Utilities Dan Repp presented the report.

The public hearing was opened at 8:06 p.m.

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

MOTION:

Approving the recommended actions.

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

The meeting recessed at 8:04 p.m.

The meeting reconvened at 8:11 p.m.

OTHER BUSINESS

10. PROVIDE DIRECTION REGARDING CITY USE OF HERBICIDES

Recommendation:

1. Receive report on herbicide use in City parks, facilities, medians, and right of ways; and
2. Provide staff with direction on future use of herbicides by the City.

Public Services Director Chris Ghione and Maintenance Manager Dale Dapp presented the report.

The public comment was opened at 8:55 p.m. The following people were called to speak:

Gino Borgioli

Stu Nuttall

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

The City Council provided direction to staff regarding future use of herbicides.

RESULT:	NO ACTION TAKEN
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The meeting recessed at 9:17 p.m.

The meeting reconvened at 9:25 p.m.

11. PROVIDE DIRECTION REGARDING CITYWIDE TRAFFIC STUDIES AND RELATED PROJECT UPDATES

Recommendation:

1. Receive cut-through traffic study;
2. Receive final intersection analysis and update on improvements;
3. Receive update on traffic projects; and
4. Provide staff feedback on next steps for traffic congestion and pedestrian safety management.

Public Services Director Chris Ghione, Ali Chau with Hexagon Consultants, and City Engineer Scott Creer presented the report.

The public comment was opened at 10:20 p.m. The following people were called to speak:

Gino Borgioli

Stu Nuttall

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

The Council provided feedback and asked staff to schedule a workshop to continue the conversation.

RESULT:	NO ACTION TAKEN
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12. ACCEPT REPORT ON GEOGRAPHIC INFORMATION SYSTEMS (GIS) STRATEGIC PLAN

Recommendation:

Accept report on the Geographic Information Services (GIS) Strategic Plan.

GIS Manager Pam Van der Leeden presented the report.

The public comment was opened at 10:55 p.m.

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

RESULT:	ACCEPT REPORT
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13. APPOINT VOTING DELEGATES FOR THE 2019 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND APPROVE CITY SUPPORT OF THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTIONS

Recommendation:

1. Appoint voting delegate and up to two (2) alternate voting delegates to the League of California Cities' Annual Conference;
2. Direct the Clerk team to complete and forward the voting delegate form to the League of California Cities;
3. Confirm "support" position on two resolutions; and
4. Authorize the City's voting delegate(s) to vote on the two resolutions to be considered at the League of California Cities (LOCC) annual conference.

City Manager Christina Turner presented the report.

MOTION:

Appointing Mayor Rich Constantine as the primary voting delegate and Council Members Rene Spring and Larry Carr as the alternate voting delegates, directing the City Clerk team to complete and forward the voting delegate form to the LOCC, confirming support of the two resolutions, and authorizing the City's voting delegate(s) to vote on the two resolutions at the LOCC annual conference.

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

MOTION:

Extending the meeting to 11:15 p.m.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

CLOSED SESSION:

City Attorney Donald Larkin announced the closed session item.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 10:59 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 10:59 p.m.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Number of Cases: One (1)

RECONVENE

The meeting reconvened at 11:07 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Donald Larkin announced that there was no reportable action.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:07 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk