



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, October 2, 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 pm for the purpose of conducting a closed session.

6:00 pm Closed Session

7:00 pm Regular Meeting

SPECIAL MEETING

6:00 pm. Closed Session

CALL TO ORDER

Mayor Constantine called the special meeting to order at 6:00 pm.

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	
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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 item.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 6:01 pm.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:01 pm.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Number of Cases: One (1)

REGULAR MEETING

7:00 pm

Mayor Constantine called the regular meeting to order at 7:04 pm.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITION

New City Website and recognition of the Website Team
Maureen Tobin and Website Team

Kiwanis Morgan Hill Youth Fund
Craig Kennedy, Morgan Hill Kiwanis President and John Horner, Board Chair

PROCLAMATIONS

Proclaiming the Month of October 2019 as Dysautonomia Awareness Month
Deborah Vick, M.Ed.

Proclaiming October 5, 2019 as Arbor Day
Anthony Eulo

Proclaiming the Week of October 6 - 12, 2019 as Fire Prevention Week
Dwight Good

CITY COUNCIL REPORTS

Council Member Carr spoke about the road work that is going on around town and asked for the community's patience as we work to improve our streets. Hopefully the long term benefits of the improved roads will outweigh the frustration of the construction.

He shared that CalTrain will be making some changes to their service in South County. Starting on October 7th, Train 262 will get into Morgan Hill just after 6:00 pm which is more than an hour earlier than the current train arrives. This is a direct result of Morgan Hill residents telling us that they want to get home earlier. In addition, we are still working with CalTrain on adding the fourth train for both the morning and evening. They expect to be ready to do that in 2021 and are currently refurbishing trains to provide that service. The Mayor works with CalTrain directly going to meetings in San Carlos regularly and we will keep pushing for 2021.

He explained that as of today, we have express bus service which stops in Morgan Hill and then traveling directly to the major job centers in the north part of the County. Those buses at times are not very full and are costing the Valley Transportation Authority (VTA) a lot of money to run. The VTA is looking at dropping some of those lines. If you are an express bus rider, please reach out to VTA and the City Council to express your opinions about the express buses. If you happen to work with people that go to work at the job centers in the north, we need your help. We need more people to ride those buses and we need to get the word out about those buses. Buses 121 and 185 are the lines that are at risk. The good news is that there is a fairly new line called 168, which will be turned into a regional express line to improve what is now line 68 by speeding up that service going into San Jose.

CITY MANAGER'S REPORT

City Manager Christina Turner thanked Council Member Carr for bringing up the Pavement Resurfacing Project and echoed his thanks to the community for their patience and shared that the striping will be completed within the next couple weeks. She announced that another major project is starting on Tennant Avenue. The Sewer Main Project started this week and will take about six months to complete. It will require various levels of traffic control on Tennant Avenue between Railroad Avenue and Monterey Road. The project replaces an aging sewer line and is necessary to ensure safety for the public and the environment. To stay up to date on our City maintenance projects and traffic impacts visit our website and sign up for the Scoop Weekly newsletter.

She announced that the Library Expansion Project is set to start next week. The addition will include a community meeting room, as well as, an expanded children's area. She mentioned that Healthy Aging Week is coming up on October 7th through 12th. Our Older Adult Services Teammates have done an excellent job coordinating events each day from 9:00 am to 5:00 pm. Everything from hiking and biking to bocce ball and a Senior Resource Fair on Thursday next week from 9:30 am to 12:30 pm at the Community and Cultural Center. All activities and events are free. Please contact the Senior Center or visit our website for more information.

She announced that the next event in the Choose Morgan Hill Speaker Series will be on innovation and manufacturing and will take place on Thursday, October 10th at the Granada Theatre from 6:30 pm to 8:00 pm. You can visit www.choosemorganhill.com to sign up. We also have Manufacturing Day coming up tomorrow, October 3rd starting at 9:30 am with a panel at the Community and Cultural Center. This event is held in conjunction with the Chamber of Commerce, Morgan Hill Unified School District, and the City of Morgan Hill. You can sign up for this event online as well.

She reminded the community that text to 911 is now available in most cities within Santa Clara County. The tagline here is call if you can, text if you can't.

She shared that on Tuesday, October 15th at 7:00 pm here in the Council Chamber, we will hold a Special Planning Commission meeting to hold a public hearing to receive input only on the proposed preliminary review application for the Morgan Hill Technology Park Project by Trammell Crow. A preliminary review must be completed prior to consideration of the project related to the General Plan Amendment and Zoning Amendment Applications. All interested persons are invited to attend this public hearing. For more

information visit the initiatives page under community projects on our website. This public hearing has been noticed via email to approximately 13,000 email addresses, as well as, on Facebook, Next Door, and in both the Morgan Hill Times and the Mercury News.

She concluded by announcing that the City will be reviewing its development services application processes in advance of the new state laws taking effect on January 1, 2020. We plan to hold a community meeting at an upcoming Planning Commission meeting to discuss our current practices, any recommendations on the notification process and for community input, as well as, the review by our Planning Commission and City Council.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin shared that there is no reportable action from the closed session that took place earlier in the evening.

OTHER REPORTS

Council Member McKay shared that in an effort to keep the community informed, a community meeting was held last night hosted by one of the local homeowner associations (HOA). It was a very informative meeting where we were able to bring in some City staff, representatives from Trammell Crow and himself. It was a very good discussion. He shared that if any other members of the community would like to hold a meeting at their HOA's, he would be more than happy to attend.

Council Member Spring recognized the Chamber of Commerce and the hundreds of volunteers that put on the Taste of Morgan Hill. He also thanked the Police Department for their presence and for making the community feel safe.

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

PUBLIC COMMENT

PUBLIC COMMENT SUPPLEMENT 1

The public comment was opened at 7:40 pm. The following people were called to speak:

Allan Abrams

Joe Baranowski

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 through 3.

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

1. CONTINUE PUBLIC HEARING REGARDING CITY'S SELECT DEVELOPMENT IMPACT FEES TO OCTOBER 23, 2019 REGULAR MEETING

Recommendation:

Continue the public hearing to the regular City Council meeting of October 23, 2019.

2. APPROVE THE SEPTEMBER 4, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

3. APPROVE THE SEPTEMBER 18, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

OTHER BUSINESS

4. PROVIDE DIRECTION TO STAFF REGARDING REGULATION OF FLAVORED TOBACCO PRODUCTS

Recommendation:

1. Direct the City Attorney to prepare an ordinance regulating flavored tobacco products, including vape products; and
2. Direct City staff to engage in appropriate outreach efforts regarding the proposed regulations.

City Attorney Donald Larkin provided the report.

The public comment was opened at 8:10 pm. The following people were called to speak:

Jeff Burrus

Mary Patterson

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

The meeting recessed at 8:21 pm.

The meeting reconvened at 8:31 pm.

Council provided direction to the City Attorney.

RESULT:	DIRECTION PROVIDED TO STAFF
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PUBLIC HEARING

5. APPROVE DESIGN REVIEW PERMIT TO CONSTRUCT A MIXED-USE PROJECT IN CONJUNCTION WITH THE REALIGNMENT OF DEPOT STREET AT E. DUNNE AVENUE (HALE LUMBER SITE)

Recommendation:

1. Open and close the public hearing; and
2. Adopt resolution approving a Design Review Permit for the mixed-use development.

Associate Planner Tiffany Brown presented the report, along with Community Development Director Jennifer Carman and City Engineer Scott Creer.

The public hearing was opened at 9:38 pm.

Paul Latala was called to speak.

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

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

The meeting recessed at 10:00 pm.

The meeting reconvened at 10:05 pm.

6. ADOPT ORDINANCE AMENDING CHAPTER 17.28 OF THE MORGAN HILL MUNICIPAL CODE REGARDING PARKLAND DEDICATION AND/OR IN LIEU FEES FOR NEW SUBDIVISIONS

Recommendation:

1. Waive first and second reading of the Ordinance amending Chapter 17.28 "Land Dedications and Reservations" to update the City's Park Dedication Ordinance; and
2. Introduce Ordinance amending Chapter 17.28 "Land Dedications and Reservations" to update park dedication requirements.

Public Services Director Chris Ghione provided the report.

The public comment was opened at 10:18 pm.

Dick Oliver was called to speak.

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

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

7. APPROVE EXTENSION OF GROUND LEASE WITH EDEN HOUSING FOR REHABILITATION OF DEPOT COMMONS AT 17145 DEPOT STREET

Recommendation:

Authorize the City Manager to negotiate, approve, and execute an assignment, modification, and extension of the ground lease for Depot Commons Apartment Complex, subject to the final review and approval of the City Attorney.

Housing Manager Rebecca Garcia and Assistant City Manager Leslie Little provided the report.

The public comment was opened at 10:54 pm.

Sally Casas was called to speak.

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

MOTION:

Approving the recommended action.

RESULT:	AUTHORIZED [4 TO 1]
MOVER:	Larry Carr, Council Member
SECONDER:	John McKay, Council Member
AYES:	Constantine, Spring, Carr, McKay
NAYS:	Martinez Beltran

MOTION:

Extending the meeting to 11:12 pm.

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

8. PROVIDE PRELIMINARY FEEDBACK REGARDING POTENTIAL REDESIGN OF THE INTERSECTION AT THE NORTH-EAST CORNER OF MONTEREY ROAD AND COCHRANE ROAD

Recommendation:

1. Receive presentation on intersection alignment and safety improvements proposed for the northeast corner of Monterey Road and Cochrane Road in conjunction with development of the southwest corner of the Sutter Industrial Park; and
2. Provide direction regarding realignment plan timing or provide comments regarding project deferral.

Assistant City Manager Leslie Little provided the report.

The public comment was opened at 11:09 pm.

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

MOTION:

Extending the meeting to 11:22 pm.

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

RESULT:	DIRECTION PROVIDED TO STAFF
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9. UPDATE REGARDING 2019 STATE HOUSING LEGISLATION/IMPACTS

Recommendation:

Receive information regarding 2019 State Housing Legislation and Impacts to Morgan Hill Housing Development Guidelines and Enforcement, Residential Development Control System, Development Processing and Work Program.

Item moved to a Special Meeting scheduled for October 9, 2019 at 7:00 pm.

RESULT:	CONTINUED TO A FUTURE MEETING
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FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:15 pm.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk