



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, November 6, 2019 7:00 p.m.

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

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
Deputy City Clerk Bigelow

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Martinez Beltran

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

OTHER REPORTS

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 01

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. REPORT REGARDING UPCOMING 2020 COMMISSION VACANCIES - PER MADDY ACT

Recommendation:

Receive report.

2. APPROVE APPROPRIATION FOR FIRE DEPARTMENT REPLACEMENT VEHICLE

Recommendation:

1. Accept insurance settlement for approximately \$66,948;
2. Adopt resolution amending the adopted Fiscal Year 2019-20 Budget appropriating \$76,100 from the Equipment Replacement Fund (790) for the purchase of a replacement 2020 Ford F250 Truck for the Fire Department; and
3. Declare the collision-damaged 2013 F150 to be salvage for disposal in accordance with the City Municipal Code.

3. APPROVE CALIFORNIA CLIMATE INVESTMENTS - DEPARTMENT OF FORESTRY AND FIRE PROTECTION'S (CAL FIRE) FIRE PREVENTION GRANT APPLICATION RESOLUTION

Recommendation:

Adopt resolution authorizing an application for the California Climate Investments-Department of Forestry and Fire Protection's (CAL FIRE) Fire Prevention Grant Program funded with Cap-and-Trade auction proceeds appropriated by the California Legislature.

4. AWARD CENTENNIAL RECREATION CENTER GENERATOR PROJECT

Recommendation:

1. Adopt resolution amending the Fiscal Year 2019-20 Budget to appropriate an additional \$98,800 from the Recreation Center Impact Fund (360), for the Centennial Recreation Generator Project (CIP#229018);
2. Approve the Centennial Recreation Center Generator plans and specifications;
3. Award contract to PC Inc. for the Centennial Recreation Center Generator Project in the amount of \$243,000;
4. Authorize expenditure of construction contingency funds not to exceed \$24,300; and
5. Authorize the City Manager to execute and administer the construction contract with PC Inc. pending review and approval by the City Attorney.

5. ADOPT ORDINANCE ADDING CHAPTER 15.63 (PROHIBITION OF NATURAL GAS INFRASTRUCTURE IN NEW BUILDINGS) TO TITLE 15 (BUILDINGS AND CONSTRUCTION) TO THE MORGAN HILL MUNICIPAL CODE PROHIBITING NATURAL GAS INFRASTRUCTURE IN NEW BUILDINGS EFFECTIVE MARCH 1, 2020

Recommendation:

Waive the reading, adopt Ordinance No. 2306, 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.

6. ADOPT ORDINANCE AMENDING CHAPTERS 15.08 (BUILDING CODE), 15.12 (ELECTRICAL CODE), 15.16 (MECHANICAL CODE), 15.20 (PLUMBING CODE), 15.24 (HOUSING CODE), 15.25 (PROPERTY MANAGEMENT) AND 15.44 (FIRE CODE) TO ADOPT BY REFERENCE THE 2019 CALIFORNIA STATE BUILDING STANDARDS CODES KNOWN AND DESIGNATED AS CALIFORNIA CODE OF REGULATIONS, TITLE 24 AND TO AMEND, DELETE, AND ADD CERTAIN OTHER BUILDING AND CONSTRUCTION STANDARDS AND TO MAKE MINOR CHANGES TO SECTIONS IN CHAPTERS 15.40 (BUILDING SECURITY) AND 15.64 (WOOD-BURNING APPLIANCES) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE MORGAN HILL MUNICIPAL CODE

Recommendation:

Waive the reading, adopt Ordinance No. 2307, 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.

7. APPROVE THE OCTOBER 2, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

8. APPROVE THE OCTOBER 9, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

9. APPROVE THE OCTOBER 23, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

OTHER BUSINESS

10. INTRODUCE ZONING ORDINANCE AMENDMENT TO CONDITIONALLY PERMIT CANNABIS USES IN NON-RESIDENTIAL ZONES AND PROVIDE DIRECTION REGARDING CANNABIS LICENSING REGULATIONS ORDINANCE

Recommendation:

1. Receive report on Planning Commission recommendation regarding number of retail cannabis licenses and land use recommendations;
2. Open and close the public hearing;
3. Proceed with allowing commercial cannabis in City limits by:
 - a. Waiving the first and second reading of the zoning ordinance amendment;
 - b. Introducing the zoning ordinance amendment;
 - c. Providing direction regarding cannabis licensing regulations ordinance;

OR

4. Continue maintaining Chapter 9.16 of the Morgan Hill Municipal Code prohibiting all activities related to commercial cannabis.

Estimated Time: 90 Minutes

11. REVENUE MEASURES POLLING RESULTS

Recommendation:

1. Accept report on polling results; and
2. Direct staff to continue with the Engage Morgan Hill process and provide any additional direction.

Estimated Time: 45 Minutes

12. PROVIDE DIRECTION REGARDING RATE OF RETURN VERSUS LONG TERM AFFORDABILITY POLICY CHANGE TO THE BELOW MARKET RATE (BMR) OWNERSHIP PROGRAM - REQUEST OF MADRONE HOMEOWNER TO AMEND RESTRICTED RESALE CONTRACT BY REPLACING THE EXISTING RESALE FORMULA THAT USES AREA MEDIAN INCOME WITH CONSUMER PRICE INDEX

Recommendation:

1. Receive a report on the request made to consider changing the focus of the BMR program to be Rate of Return for owners versus long-term affordability by modifying the Madrone Restricted Resale Contract; replacing the existing resale formula that uses Area Median Income with Consumer Price Index; and
2. Maintain existing affordable housing ownership contract and not shift the focus of the affordable ownership program.

Estimated Time: 30 Minutes

PUBLIC HEARING

13. ADOPT UPDATED DEVELOPMENT USER FEE SCHEDULE

Recommendation:

1. Open/Close Public Hearing; and
2. Adopt resolution updating Development User Fee Schedule.

Estimated Time: 15 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

