



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, November 6, 2019 7:00 pm

**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 called the meeting to order at 7:01 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	Late	7:31 PM
Larry Carr	Council Member	Present	
John McKay	Council Member	Present	

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

None.

CITY MANAGER'S REPORT

City Manager Christina Turner mentioned the evening's supplements and presentations. She asked that Item 4, Award of the Centennial Recreation Center Generator project, be deferred to a future meeting as we are awaiting additional information. She shared that the Speaker Series on Healthcare is coming up tomorrow November 7th from 11:30 am to 1:00 pm at the Granada Theatre.

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

None.

DECLARATION OF POSTING AGENDA

Deputy City Clerk Bigelow declared the posting of the agenda.

PUBLIC COMMENT

PUBLIC COMMENT 01

The public comment was opened at 7:04 pm. The following people were called to speak:

Steve Chappell

Danielle Jennings

Ron Kirkish

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 through 3, 6, 7, and 9. Item 4 was pulled from the agenda.

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

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. ITEM PULLED FROM AGENDA

5. ITEM PULLED FOR DISCUSSION

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.

MOTION:

Approving the recommended action.

9. APPROVE THE OCTOBER 23, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEM PULLED FROM AGENDA

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.

RESULT: CONTINUED TO A FUTURE MEETING

ITEMS PULLED FOR DISCUSSION

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.

The public comment was opened at 7:12 pm. The following people were called to speak:

Mark van Wyk

Dave Wendt

Linda Hutchins-Knowles

Rocke Garcia

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

Program Administrator Anthony Eulo and John Supp with Silicon Valley Clean Energy answered questions.

MOTION:

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.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Larry Carr, Council Member
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Spring, Martinez Beltran, Carr
NAYS:	Constantine, McKay

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.

Police Chief David Swing, Community Development Director Jennifer Carman, and David McPherson with HdL provided the presentation.

The meeting recessed at 8:09 pm.

The meeting reconvened at 8:16 pm.

The public comment was opened at 8:33 pm. The following people were called to speak:

Mike Robinson
Nanette Donohue
Ron Kirkish
Alex Aasen
Steve Betando
Glen Webb
Fawn Meyers
Neva Peterson
David Parent
Rae Goldstein
Steve Chappell
Allison Margolin
Ryan Leary
John Warren
Lorraine Bursese

Sean Kali-Rai
Doug Chloupek
Edesa Bitbadal

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

Council Member Martinez Beltran made a motion to deny the recommendation made by the Planning Commission and to amend the recommendation to bring forward an ordinance allowing non-storefront retail only.

Motion failed for lack of a second.

RESULT:	LACK OF SECONDER
----------------	-------------------------

MOTION:

Continuing to maintain Chapter 9.16 of the Morgan Hill Municipal Code prohibiting all activities related to commercial cannabis.

RESULT:	APPROVED [3 TO 2]
MOVER:	Yvonne Martinez Beltran, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Martinez Beltran, Carr, McKay
NAYS:	Constantine, Spring

Council Member Spring made a motion to re-refer the item back to the Planning Commission.

The motion failed for lack of a second.

RESULT:	LACK OF SECONDER
----------------	-------------------------

The meeting recessed at 10:15 pm.
The meeting reconvened at 10:22 pm.

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.

Police Chief David Swing and Charles Hester with Godbe Research provided the presentation. Brian Sullivan, Rick Kent, and Nick Gaich with the Engage Morgan Hill Community Advisory Group also provided a report.

MOTION:

Extending the meeting to 12:00 am.

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

The public comment was opened at 11:28 pm.
Caitlin Jachimowicz was called to speak.
There being no requests to speak, the public comment was closed.

Council provided direction to staff.

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.

Assistant City Manager Leslie Little, Housing Manager Rebecca Garcia, and Julius Nyanda with House Keys provided a presentation.

The public comment was opened at 12:11 am. The following people were called to speak:

Rhonda Wohler

Jeff Bernstein

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

MOTION:

Extending the meeting to 12:30 am.

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

MOTION:

Extending the meeting to 1:00 am.

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

Council provided direction to staff.

RESULT:	DIRECTION PROVIDED TO STAFF
----------------	------------------------------------

PUBLIC HEARING

13. ADOPT UPDATED DEVELOPMENT USER FEE SCHEDULE

Recommendation:

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

Finance Director Dat Nguyen provided the presentation.

The public hearing was opened at 12:39 am.

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

MOTION:

Approving the recommended action.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring requested that staff bring back a cannabis ordinance for non-storefront retail, meaning delivery only.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:40 am.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk