



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 20, 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 7:00 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	Absent	
Larry Carr	Council Member	Present	
John McKay	Council Member	Present	

DECLARATION OF POSTING AGENDA

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

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC PRESENTATION- ASSET #41- POSITIVE CULTURAL IDENTITY

RECOGNITIONS

STEM Winners - Santa Clara Valley Science and Engineering Fair Association
Alexander Nguyen
Ben Hayes
Lexxa D'Amico
Ria Deshpande
Timothy Nguyen

CITY COUNCIL REPORTS

Council Member McKay shared that he has been elected to the Board of Directors of the Peninsula Division for the League of California Cities which serves as a collective voice for cities throughout the state. The Board held a retreat last Monday to review the functions of the Peninsula Division for the next year and decided to have four quarterly meetings focusing on housing, transportation, climate resilience, and to review all legislation coming out of Sacramento.

He spoke regarding the Economic Development Symposium that took place last Thursday and Friday in Santa Cruz. This was the event's third year, but what makes it so special is that it was initiated through the interest of Morgan Hill City staff, specifically Economic Development Manager John Lang. He thanked John for his outstanding work putting a together a valuable symposium that was very educational.

CITY MANAGER'S REPORT

City Manager Christina Turner mentioned the evening's presentations. She announced that on December 14th, the Santa Clara County District Attorney's Office will be partnering with the cities of Morgan Hill and Gilroy to sponsor a \$50,000 Gun Buy Back Program in South County. This is the first Gun Buy Back program in South County in 25 years and is aimed at getting unwanted weapons out of homes and away from the hands of criminals, mentally unstable people, and children. It will be held at the Gilroy Corporation Yard from 9:00 am to 2:00 pm and anyone can anonymously turn in unwanted guns. Individuals will receive cash on a first come first serve basis. No questions will be asked about who owns the gun or where it came from. You can learn more by visiting our website.

She then spoke about the new regulations established by CalRecycle relating to the management and reduction of organic waste. While we are very supportive of this endeavor, we are concerned that the draft regulations being promulgated are going to be very impractical and expensive for the City to comply with. After submitting official comments to CalRecycle, we had reached out to Assembly Member Rivas' office for their assistance. They were incredibly responsive and have continued to follow up with CalRecycle directly on addressing the City's comments. She thanked Assembly Member Rivas' office for all of their assistance.

She concluded by speaking regarding 911 ambulance transport services. We currently receive these services through the County's existing agreement with American Medical Response. That agreement is going to expire in 2022. Our County Emergency Medical Services Agency, which facilitates and manages EMS services within the County, has been tasked with preparing a workplan regarding the upcoming request for proposals for ambulance transport services. A Vision Group has been formed called EMS 2022 whose mission is to explore and define the options and structure of the EMS system in the County after the current agreement expires. It is comprised of stakeholders including Fire Chiefs, Police Chiefs, and members of the City Managers Association. Both Morgan Hill and Gilroy have been actively

participating to represent the South County interests at the table.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin reported that in regard to the Council's request regarding potential prohibitions on flavored tobacco and vaping products our Management Talent Exchange Program (MTEP) teammate Scott Nelson has met with all of the retailers in town that earn a majority of their revenue from electronic cigarettes and vaping products. We have also met with officials from the County and reached out to other surrounding organizations. We will be bringing forward our proposal at the December 4th meeting.

OTHER REPORTS

Mayor Constantine shared that his next Coffee with the Mayor will be held on Saturday, December 7th at Mama Mia's Restaurant from 10:00 am to 11:30 am.

City Manager Christina Turner invited the community to join the Mayor and Council Downtown that evening for the tree lighting and holiday parade.

PUBLIC COMMENT

The public comment was opened at 7:30 pm.

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1, 2, 5, and 6.

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

1. ADOPT RESOLUTION AUTHORIZING GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT RELATED AGREEMENTS AND DOCUMENTS

Recommendation:

Adopt resolution:

1. Authorizing staff to prepare and submit a 2019 Planning Grants Program Application to the State of California, Department of Housing and Community Development for an amount not to exceed \$160,000 for the development of a proposed Form-Based Code for the Monterey Road Corridor; and
2. Authorizing the City Manager to negotiate and execute the City of Morgan Hill Planning Grants Program application, the Planning Grants Program grant documents, and any amendments thereto as required by the Department of Housing and Community Development for receipt of the grant.

2. APPROVE SECOND AMENDMENT TO SERVICES AGREEMENT WITH CSG CONSULTANTS, INC. FOR LAND DEVELOPMENT REVIEW PROGRAM SUPPORT

Recommendation:

1. Approve the Second Amendment to the professional services agreement with CSG Consultants, Inc. for land development review services for an additional \$136,300, for a total not-to-exceed amount of \$346,250 with the term of the agreement unchanged;
2. Authorize the City Manager to execute the Second Amendment; and
3. Adopt resolution amending the City's Fiscal Year 2019-20 budget to appropriate an additional \$136,300 within the Community Development Fund (Fund No. 206) for related professional services.

3. ITEM PULLED FOR DISCUSSION

4. ITEM PULLED FOR DISCUSSION

5. APPROVE CITY COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2020

Recommendation:

1. Review and adjust the 2020 City Council meeting schedule as deemed appropriate; and
2. Approve 2020 City Council meeting schedule.

6. APPROVE THE NOVEMBER 6, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

3. APPROVE SECOND AMENDMENT TO SUBDIVISION IMPROVEMENTS AGREEMENT FOR DUNNE HILL MEADOWS – TRACT NO. 10378

Recommendation:

1. Approve Second Amendment to Subdivision Improvements Agreement;
2. Authorize the City Manager to execute the Second Amendment to the Subdivision Improvements Agreement with Mission Pacific Homes, LLC; and
3. Authorize the recordation of the Second Amendment to the Subdivision Improvements Agreement.

Community Development Director Jennifer Carman provided a report on items 3 and 4.

MOTION:

Approving the recommended actions for both items 3 and 4.

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

4. APPROVE SECOND AMENDMENT TO SUBDIVISION IMPROVEMENTS AGREEMENT FOR DUNNE MURPHY – TRACT NO. 10387

Recommendation:

1. Approve Second Amendment to Subdivision Improvements Agreement;
2. Authorize the City Manager to execute the Second Amendment to the Subdivision Improvements Agreement with Nordstrom Cal Homes, LLC; and
3. Authorize the recordation of the Second Amendment to the Subdivision Improvements Agreement.

MOTION:

Approving the recommended actions for both items 3 and 4.

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

OTHER BUSINESS

7. ADOPT RESOLUTION OF INTENT TO HOLD SPECIAL BALLOT PROCEEDING FOR JACKSON MEADOWS #6 AND MILL CREEK SUBAREAS OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

1. Open/Close public hearing for Jackson Meadows #6 subarea;
2. Open/Close public hearing for Mill Creek subarea; and
3. Adopt resolutions declaring intent and authorizing the special ballot proceeding required to increase the maximum assessment rate for the Jackson Meadows #6 and the Mill Creek subareas of the City's Landscape Assessment District Number 1, effective Fiscal Year (FY) 2020-21.

Maintenance Services Coordinator Keri Russell provided the report.

The public comment was opened at 7:49 pm.

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

MOTION:

Adopting resolutions declaring intent and authorizing the special ballot proceeding required to increase the maximum assessment rate for the Jackson Meadows #6 and the Mill Creek subareas of the City's Landscape Assessment District Number 1, effective Fiscal Year (FY) 2020-21.

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

PUBLIC HEARING

8. INTRODUCE ORDINANCES TO ADOPT A ZONING AMENDMENT AND TO APPROVE A DEVELOPMENT AGREEMENT FOR A 24-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, INCLUDING PUBLIC ACCESS ROADS, AND A PRIVATE PARK. RATIFY THE PLANNING COMMISSION APPROVAL OF THE TENTATIVE SUBDIVISION MAP, MITIGATED NEGATIVE DECLARATION, AND THE MITIGATION MONITORING AND REPORTING PROGRAM. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBERS 726-09-001 AND 726-09-002, ARE LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF DIANA AVENUE AND LOTUS WAY. (DIANA-MANA HANA LEI - MONTECITO ESTATES PROJECT)

Recommendation:

1. Open and close public hearing;
2. Adopt resolution ratifying Planning Commission Resolutions 19-18 and 19-19;
3. Waive first and second reading of Zoning Amendment Ordinance;
4. Introduce Zoning Amendment Ordinance;
5. Waive first and second reading of Development Agreement Ordinance; and
6. Introduce Development Agreement Ordinance.

Associate Planner Joey Dinh and Community Development Director Jennifer Carman provided the presentation and report.

The meeting recessed at 8:06 pm.

The meeting reconvened at 8:14 pm.

The public hearing was opened at 8:14 pm. The following people were called to speak:

Scott Murray, Applicant

Natasha Wist

Vince with DR Horton

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

The public hearing was re-opened at 8:31 pm.

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

MOTION:

Adopting resolution ratifying Planning Commission Resolutions 19-18 and 19-19.

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

MOTION:

Waiving the first and second reading of the Zoning Amendment Ordinance.

RESULT:	WAIVED [3 TO 1]
MOVER:	John McKay, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Carr, McKay
NAYS:	Spring
ABSENT:	Martinez Beltran

MOTION:

Introducing the Zoning Amendment Ordinance.

RESULT:	INTRODUCED [3 TO 1]
MOVER:	Larry Carr, Council Member
SECONDER:	John McKay, Council Member
AYES:	Constantine, Carr, McKay
NAYS:	Spring
ABSENT:	Martinez Beltran

MOTION:

Waive first and second reading of the Development Agreement Ordinance.

RESULT:	WAIVED [3 TO 1]
MOVER:	Larry Carr, Council Member
SECONDER:	John McKay, Council Member
AYES:	Constantine, Carr, McKay
NAYS:	Spring
ABSENT:	Martinez Beltran

MOTION:

Introducing the Development Agreement Ordinance.

RESULT:	INTRODUCED [3 TO 1]
MOVER:	Larry Carr, Council Member
SECONDER:	John McKay, Council Member
AYES:	Constantine, Carr, McKay
NAYS:	Spring
ABSENT:	Martinez Beltran

9. APPROVE REQUEST FOR A WATER SERVICE CONNECTION OUTSIDE OF THE CITY'S URBAN SERVICE AREA BOUNDARY WHICH WILL ALLOW FOR THE CONSTRUCTION OF A 7,000 SQUARE FOOT BUDDHA HALL AT THE METTA TAM TU BUDDHIST TEMPLE APPROVED BY SANTA CLARA COUNTY. THE PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 817-07-024, IS LOCATED ON SOUTHEAST CORNER OF THE INTERSECTION OF BUTTERFIELD BOULEVARD AND FISHER AVENUE (LIEU QUAN BUDDHIST CULTURAL CENTER, OWNER). OA2019-0001/EA2019-0011

Recommendation:

1. Open/close public hearing; and
2. Adopt resolution approving the water service request and directing staff to file an application with the Local Agency Formation Commission for Out of Agency service request.

Senior Planner Terry Linder and Community Development Director Jennifer Carman provided the presentation and report.

The public hearing was opened at 9:06 pm. The following people were called to speak:

Ly Tran

Bichlan Do, M.D.

De Tran

Jessica Vu

Todd Lee

Michael Nguyen

Do Tran

Monk from Tam Tu Temple

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

MOTION:

Approving the recommended actions.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:40 pm.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk