



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, December 4, 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 Joint Morgan Hill City Council and the South Santa Clara County Fire District Board of Commissioners meeting to receive a presentation on the Fire Services Hazard-Risk Assessment and Standards of Coverage Study.

TELECONFERENCE

Mayor Constantine participated in the meeting via teleconference as follows:

Hyatt Place Washington DC
400 E St SW
Washington DC 20024

Public comment from the teleconference location was allowed.

CALL TO ORDER

Mayor Pro Tem Spring called the meeting to order at 6:01 pm.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow & Board Clerk Kim Camarena called the roll.

ROLL CALL:

Mayor Constantine, Mayor Pro Tem Spring, Council Member Martinez Beltran, Council Member John McKay, Council Member Larry Carr

Commissioner Lewis, Commissioner Acker, Commissioner Ludewig, Commissioner Monaco,
Commissioner Scatena, Commissioner Velasco

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Remote	
Rene Spring	Mayor Pro Tem	Present	
Yvonne Martinez Beltran	Council Member	Late	6:06 PM
Larry Carr	Council Member	Late	7:25 PM
John McKay	Council Member	Present	

DECLARATION OF POSTING AGENDA

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

SPECIAL MEETING

6:00 PM

1. FIRE SERVICES HAZARD-RISK ASSESSMENT AND STANDARDS OF COVERAGE STUDY PRESENTATION

Recommendation:

Receive presentation.

Fire Chief Jake Hess, Assistant Chief Jim Crawford, and Stu Gary with Citygate provided the presentation and report.

The public comment was opened at 6:55 pm.

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

The special meeting adjourned at 6:59 pm.

REGULAR MEETING

7:00 PM

Mayor Pro Tem Spring called the regular meeting to order at 7:09 pm.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

None.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She announced that the next Coffee with the Mayor will take place at Mama Mia's Restaurant this Saturday, December 7th from 10:00 am to 11:30 am.

She shared that the Holiday Lights Parade and Tree Lighting organized by Morgan Hill Kiwanis is also taking place on Saturday from 5:00 pm to 8:00 pm on Monterey Road between 1st and 5th streets.

The Santa Clara County District Attorney's Office has partnered with the cities of Morgan Hill and Gilroy to sponsor a \$50,000 gun buy back event on December 14th. 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 announced that the next Engage Morgan Hill Community Group Meeting will be held on Saturday, December 14th. So far, the group has covered a variety of topics including a budget overview, economic development, infrastructure, housing, growth, and the impact of Senate Bill 330, as well as public safety. You can find all the information for each meeting on our website on our Engage Morgan Hill page.

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

None.

PUBLIC COMMENT

The public comment was opened at 7:14 pm.

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda moving item 20 to follow the consent calendar.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 2 through 13.

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

2. ACCEPT COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2019

Recommendation:

Accept the City's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2019.

3. ADOPT RESOLUTION APPROVING AND MAKING FINDINGS RELATED TO THE AB 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR 2018-19

Recommendation:

Adopt resolution making findings for unexpended development impact fees and accept the annual development impact fee report.

4. APPROVE SECOND AMENDMENT TO DESIGN SERVICES AGREEMENT WITH HYDROSCIENCE ENGINEERS FOR THE NEW SEWER TRUNK PROJECT

Recommendation:

1. Approve Second Amendment to Service Agreement for Design Professionals with HydroScience Engineers, Inc. to provide additional services for the New Sewer Trunk Line to Gilroy project for an additional \$531,050, for a total not to exceed amount of \$1,704,710; and
2. Authorize the City Manager to execute and administer the amended services agreement.

5. ADOPT RESOLUTION INITIATING 2020 HAZARDOUS VEGETATION PROGRAM

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing on February 5, 2020.

6. ACCEPT THE ANNUAL SB 165 REPORT FOR COMMUNITY FACILITIES DISTRICT NO. 2014-1 (FISHER CREEK)

Recommendation:

Accept the report.

7. APPROVE DESIGN SERVICES AGREEMENT WITH SCHAAF & WHEELER FOR INFLOW AND INFILTRATION PROJECT

Recommendation:

Approve and authorize the City Manager to execute and administer the design services agreement with Schaaf and Wheeler, in the not to exceed amount of \$145,555, for the design of the Sewer Inflow and Infiltration Project.

8. APPROVE AGREEMENT FOR WATER LABORATORY TESTING AND ANALYSIS SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer a three-year service agreement for a not to exceed amount of \$200,000 with Alpha Analytical Laboratories, Inc., for water laboratory testing and analysis services.

9. APPROVAL OF FINAL MAP FOR SAN SEBASTIAN PHASE 2C - TRACT NO. 10478

Recommendation:

1. Approve the Final Map;
2. Approve and Authorize the City Manager to execute and administer a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
3. Authorize the recordation of the Final Map and the Stormwater BMP Operation and Maintenance Agreement.

10. AWARD DOWNTOWN CROSSWALK SAFETY IMPROVEMENTS PROJECT

Recommendation:

1. Approve the Downtown Crosswalk Safety Improvements Project plans and specifications;
2. Award contract to Golden Bay Construction, Inc. for the Downtown Crosswalk Safety Improvements Project in the amount of \$123,309;
3. Authorize expenditure of construction contingency funds not to exceed \$12,331; and
4. Authorize the City Manager to execute and administer the construction contract with Golden Bay Construction, Inc., pending review and approval by the City Attorney.

11. REJECT PROPOSALS FOR LANDSCAPE MAINTENANCE GROUP 5

Recommendation:

Reject proposals for Landscape Maintenance Group 5 per Municipal Code Section 3.04.170, and direct staff to maintain the Group 5 Landscape Assessment Districts with in-house maintenance staff.

12. REJECT BIDS FOR CENTENNIAL RECREATION CENTER GENERATOR PROJECT

Recommendation:

1. Reject bids for the Centennial Recreation Center Generator Project and direct staff to re-bid the project with design changes; and
2. Authorize the City Manager to negotiate and execute modifications to the previously approved California Office of Emergency Services' 404 Hazard Mitigation Grant Program agreement.

13. ANDERSON DAM PROJECT ADVOCACY

Recommendation:

Informational Only.

PUBLIC HEARING

20. ADOPT ORDINANCE AMENDING SECTION 18.24.020 (LAND USE REGULATIONS) OF CHAPTER 18.24 (COMMERCIAL ZONING DISTRICTS); AMENDING SECTION 18.92.030 (CONVENIENCE MARKETS) OF, AND ADDING SECTIONS 18.92.031 (LIQUOR STORE) AND 18.92.032 (CONVENIENCE MARKETS WITH FUEL AND SERVICE STATIONS) TO, CHAPTER 18.92 (SUPPLEMENTAL STANDARDS); AND AMENDING SECTION 18.124.040 (COMMERCIAL USES) OF CHAPTER 18.124 (LAND USE DEFINITIONS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGULATING C

Recommendation:

1. Open and close public hearing;
2. Waive first and second reading of Zoning Amendment Ordinance; and
3. Introduce Zoning Amendment Ordinance.

City Attorney Donald Larkin announced Council Member Carr's conflict of interest.

Scott Nelson provided the presentation and report.

The public hearing was opened at 7:50 pm.

Shashi Sharma was called to speak.

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

MOTION:

Mayor Constantine moved to Call the Question.

RESULT:	CALL THE QUESTION
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MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

The meeting recessed at 8:08 pm.

The meeting reconvened at 8:14 pm.

OTHER BUSINESS

14. INTRODUCE ORDINANCE PROHIBITING SALE OF FLAVORED TOBACCO AND VAPING (E-CIGARETTE) PRODUCTS

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce the ordinance prohibiting the sale of flavored tobacco and e-cigarette products.

Scott Nelson, Don Tran with Santa Clara County Public Health Department, and School Resource Officer Sean Farrell provided the presentation and report.

The public comment was opened at 9:36 pm. The following people were called to speak:

Zjay

Peter Won

Alex Aasen

Tanya Calabretta

Carol Baker

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

MOTION:

Introducing the ordinance.

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

The meeting recessed at 10:21 pm.

The meeting reconvened at 10:30 pm.

**15. PROVIDE DIRECTION REGARDING NON-STOREFRONT (DELIVERY ONLY)
CANNABIS RETAIL ORDINANCE**

Recommendation:

1. Direct staff to return with an ordinance which allows non-storefront, delivery only, cannabis retail within the City limits.
OR
2. Continue to maintain Chapter 9.16 of the Morgan Hill Municipal Code prohibiting all activities related to commercial cannabis, unless otherwise allowed by state law.

Police Chief David Swing provided the presentation and report.

The public comment was opened at 10:35 pm. The following people were called to speak:

Fawn Myers

Jessie Swift

Ryan Leary

Edesa Bitbidal

Yvonne Randall

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

MOTION:

Extending the meeting to 12:00 am.

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

MOTION:

Continuing to maintain Chapter 9.16 of the Morgan Hill Municipal Code prohibiting all activities related to commercial cannabis, unless otherwise allowed by state law.

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

PUBLIC HEARING

19. APPROVE AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR DUNNE-YOUNG TO INCORPORATE 26 BUILDING ALLOTMENTS FOR FISCAL YEAR 2020-21 AWARDED FROM THE 2018 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM AND TRANSFERRED FROM THE MONTEREY-LUCKY SHING (MANZANITA PARK) PROJECT FOR THE 46-UNIT EAST DUNNE-YOUNG PROJECT (ALSO KNOWN AS ANDALUSIA) LOCATED ON THE NORTH SIDE OF E. DUNNE AVENUE BEHIND THE KINDERCARE LEARNING CENTER LOCATED AT 605 E. DUNNE AVENUE

Recommendation:

1. Open/close public hearing;
2. Waive the first and second reading of ordinance approving amendment to a Development Agreement (DA 2018-0002) and a transfer of allotments from the Monterey-Lucky-Shing project; and
3. Introduce ordinance amending the Development Agreement.

Community Development Director Jennifer Carman provided the presentation and report.

The public hearing was opened at 11:29 pm.

Dick Oliver was called to speak.

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

The public hearing was re-opened at 11:44 pm.

Dick Oliver was called to speak.

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

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

21. ADOPT ZONING ORDINANCE AMENDING CHAPTER 18.84: ACCESSORY DWELLING UNITS AND UPDATING DEFINITIONS IN CHAPTER 18.124 OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING AMENDMENTS MADE TO THE CALIFORNIA PLANNING AND ZONING LAW REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS BY ASSEMBLY BILL 68, ASSEMBLY BILL 881, AND SENATE BILL 13

Recommendation:

1. Open/close the public hearing;
2. Waive first reading of the Zoning Amendment Ordinance; and
3. Introduce the Zoning Amendment Ordinance.

Community Development Director Jennifer Carman provided the presentation and report.

The public hearing was opened at 11:55 pm.

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

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

MOTION:

Extending the meeting to 12:15 am.

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

OTHER BUSINESS

16. DISCUSS FIRE SERVICES HAZARD-RISK ASSESSMENT AND STANDARDS OF COVERAGE ASSESSMENT PREPARED AND PRESENTED BY CITYGATE ASSOCIATES, LLC

Recommendation:

1. Receive report; and
2. Provide direction to staff on next steps.

Fire Chief Jake Hess provided the presentation and report.

The public comment was opened at 12:13 am.

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

Council received the report.

RESULT:	REPORT RECEIVED
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17. ACCEPT SEPTEMBER 2019 FINANCIAL AND INVESTMENT AND CITY MANAGER AUTHORITY REPORTS

Recommendation:

Accept and file report.

MOTION:

Continuing this item to the December 18, 2019 City Council meeting.

RESULT:	CONTINUED TO A FUTURE MEETING [UNANIMOUS] Next: 12/18/2019 6:00 PM
MOVER:	John McKay, Council Member
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

18. SELECT CITY COUNCIL MAYOR PRO TEMPORE AND REVIEW CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Recommendation:

1. Open floor to nomination(s) for Mayor Pro Tempore;
2. Select a Council Member to serve as Mayor Pro Tempore per City Council Policy 99-01;
3. Review and approve the City Council Appointments to Outside Agencies; and
4. Direct the City Clerk to notify the appropriate agencies of the updated assignments and update the Form 806 as necessary.

MOTION:

Continuing this item to the December 18, 2019 City Council meeting.

RESULT:	CONTINUED TO A FUTURE MEETING [UNANIMOUS] Next: 12/18/2019 6:00 PM
MOVER:	John McKay, Council Member
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Constantine, Spring, Martinez Beltran, Carr, McKay

PUBLIC HEARING**19. ITEM MOVED AHEAD OF ITEM 16****20. ITEM MOVED TO DIRECTLY FOLLOW THE CONSENT CALENDAR****21. ITEM MOVED AHEAD OF ITEM 16****FUTURE COUNCIL INITIATED AGENDA ITEMS**

Council Member Spring requested that staff bring forward a resolution in support of protecting Juristatic.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:15 am.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk