



Special - 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, December 18, 2019 6:00 p.m.

**Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037**

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 6:00 p.m. for the purpose of conducting a closed session.

6:00 p.m. Closed Session

7:00 p.m. Regular Meeting

STUDENTS - THE CLOSED SESSION THAT STARTS AT 6:00 PM IS NOT OPEN TO THE PUBLIC. THE REGULAR MEETINGS STARTS AT 7:00 P.M.

SPECIAL MEETING

6:00 p.m. Closed Session

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 Michelle Bigelow

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation under Government Code Section 54956.9(b)

Two Cases

REAL PROPERTY NEGOTIATIONS

Pursuant to:	Government Code Section 54956.8
Property:	APN 81713011
Negotiating Parties:	Public Services Director, City Manager
Property Owner:	Sergi, James P Trustee & ET AL
Under Negotiation:	Price and Terms of Payment

RECONVENE

REGULAR MEETING

7:00 p.m.

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.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC PRESENTATION - ASSET #39 SENSE OF PURPOSE

WINERIES OF SANTA CLARA VALLEY PRESENTATION - GEOFF MACE, STACY GIANNINI
& GENA GUGLIELMO

CITY COUNCIL REPORTS

Mayor Constantine

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)

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. **APPROVE THIRD AMENDMENT TO SERVICE AGREEMENT FOR DESIGN PROFESSIONALS WITH MARK THOMAS & COMPANY FOR THE HALE AVENUE EXTENSION PROJECT**

Recommendation:

Approve and authorize the City Manager to execute and administer the Third Amendment to Service Agreement for Design Professionals with Mark Thomas & Company for additional scope of services for the Hale Avenue Extension Project for an additional \$99,600, for a total not to exceed amount of \$683,033.

2. **APPROVE SECOND AMENDMENT FOR SERVICE AGREEMENT FOR DESIGN PROFESSIONALS WITH MOTT MACDONALD FOR THE TENNANT AVENUE SEWER PROJECT**

Recommendation:

Approve and authorize the City Manager to execute and administer a Second Amendment, extending the term, for Services Agreement for Design Professionals with Mott MacDonald, Inc. for the Tennant Avenue Sewer Upgrade Project.

3. **APPROVE THIRD AMENDMENT TO AGREEMENT WITH DAVID J. POWERS & ASSOCIATES TO REVIEW AND PROVIDE COMMENTS ON THE HIGH SPEED RAIL PROJECT**

Recommendation:

Approve and authorize the City Manager to execute and administer the Third Amendment to Agreement with David J. Powers & Associates for technical support services related to environmental review of the High Speed Rail project, extending the Term of Agreement until December 31, 2020.

4. APPROVE FOURTH AMENDMENT FOR DESIGN SERVICES AGREEMENT WITH SCHAAF & WHEELER FOR THE SEWER LIFT STATION IMPROVEMENTS PROJECT

Recommendation:

Approve and authorize the City Manager to execute and administer a Fourth Amendment to Service Agreement for Design Professionals with Schaaf & Wheeler Consulting Engineers to provide additional services for the Lift Station Improvements extending the term of the contract for one year.

5. APPROVE SERVICE AGREEMENT FOR DESIGN PROFESSIONALS FOR COMPACTION TESTING AND SPECIAL INSPECTION

Recommendation:

Approve and authorize the City Manager to execute and administer agreements with Engeo, Inc. in the amount of \$350,000 and Construction Testing Services, Inc. in the amount of \$150,000 for compaction testing and special inspection services for various capital improvement projects.

6. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH NELSON\NYGAARD CONSULTING ASSOCIATES, INC. TO ASSIST WITH CITY'S IMPLEMENTATION OF STATE SENATE BILL 743 (TRANSITION FROM LEVEL-OF-SERVICE (LOS) TO VEHICLE-MILES-TRAVELED (VMT) METRIC FOR TRANSPORTATION ANALYSIS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA))

Recommendation:

Approve and authorize the City Manager to execute and administer the professional services agreement with Nelson\Nygaard Consulting Associates, Inc. for assistance with City's implementation of State Senate Bill 743 (SB 743) for a total not-to-exceed amount of \$110,000.

7. APPROVE TWO YEAR PROPERTY LEASE AGREEMENT WITH ADVENT GROUP MINISTRIES AT 535 ALKIRE STREET

Recommendation:

Approve and authorize the City Manager to execute and administer a lease agreement with Advent Group Ministries for the property located at 535 Alkire Street, Suite 150 (also known as The Villas) for the Advent Step Up Program.

8. APPROVE APPLICATION TO BAY AREA METRO FOR A NEW PRIORITY PRODUCTION AREA AND A MODIFIED PRIORITY DEVELOPMENT AREA

Recommendation:

1. Adopt resolution designating two industrial areas as illustrated in Exhibit 1 of the Resolution as a Priority Production Area (PPA) for the City of Morgan Hill;
2. Adopt resolution expanding the City of Morgan Hill's existing Priority Development Area (PDA) beyond Downtown as illustrated in Exhibit 1 of the Resolution; and
3. Authorize the City Manager to take all necessary ministerial actions to complete the PPA and or PDA application process and implement the provisions of the Resolution.

9. APPROVE PLANS EXAMINER AND PLAN CHECK ENGINEER CLASSIFICATIONS, AND REVISED AFSCME AND PART-TIME TEMPORARY AND SEASONAL EMPLOYEES SALARY SCHEDULES

Recommendation:

1. Approve the Part-Time Temporary and Seasonal Employees Salary Schedule;
2. Approve the Plans Examiner and Plan Check Engineer classifications and updated American Federation of State, County and Municipal Employees (AFSCME) salary schedule; and
3. Adopt resolution amending the adopted Fiscal Year 2019-20 budget to appropriate \$100,139 from the Development Services Fund (206) for the personnel related expenditures.

10. APPROVE AMENDED RESPONSE TO GRAND JURY REPORT TITLED "INQUIRY INTO GOVERNANCE OF THE VALLEY TRANSPORTATION AUTHORITY"

Recommendation:

Authorize the City Manager to file the Amended Response to the Civil Grand Jury Report, "Inquiry into Governance of the Valley Transportation Authority," with the Presiding Judge of the Santa Clara County Superior Court.

11. AWARD CITY FACILITY FIBER NETWORK INFRASTRUCTURE PROJECT

Recommendation:

1. Approve City Facility Fiber Network Infrastructure Project plans and specifications;
2. Award contract to Elco Electric, Inc. for the City Facility Fiber Network Infrastructure Project in the amount of \$160,589;
3. Authorize expenditure of construction contingency funds not to exceed \$32,118; and
4. Authorize the City Manager to execute and administer the construction contract with Elco Electric, Inc.

12. ADOPT ORDINANCE 2308 NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A ZONING MAP AMENDMENT ZA2019-0006 FOR AN RDM-7,000/PLANNED DEVELOPMENT COMBINING DISTRICT AND PLANNED DEVELOPMENT MASTER PLAN FOR A 24-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT ON A 4.84-ACRE SITE LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF DIANA AVENUE AND LOTUS WAY (DIANA MANA HANAIEI PROJECT/MONTECITO ESTATES) (APN 726-09-001 & 726-09-002)

Recommendation:

Waive the reading, adopt Ordinance No. 2308, 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.

13. ADOPT ORDINANCE 2309 NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT DA2018-0003: DIANA-MANA HANAIEI (MONTECITO ESTATES) FOR A 24-LOT RESIDENTIAL SUBDIVISION ON A 4.84-ACRE SITE LOCATED ON THE NORTHWEST CORNER OF DIANA AVENUE AND LOTUS WAY (APN 726-09-001 & 726-09-002)

Recommendation:

Waive the reading, adopt Ordinance No. 2309, 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.

14. ADOPT ORDINANCE 2310 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 CONVENIENCE MARKETS, FUEL AND SERVICE STATIONS, AND LIQUOR STORES

Recommendation:

Waive the reading, adopt Ordinance No. 2310, 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.

15. ADOPT ORDINANCE 2311 NEW SERIES AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING CHAPTER 5.64 ("TOBACCO RETAILER'S LICENSE") OF TITLE 5 ("BUSINESS LICENSES GENERALLY") OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGULATING TOBACCO RETAILER'S LICENSE

Recommendation:

Waive the reading, adopt Ordinance No. 2311, 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.

16. ADOPT ORDINANCE 2312, NEW SERIES AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING THE TRANSFER OF 11 ALLOTMENTS FROM THE MONTEREY-LUCKY SHING (MANZANITA PARK) PROJECT AND A DEVELOPMENT AGREEMENT AMENDMENT AAE2019-0010 (DAA2018-0002): E. DUNNE-YOUNG (ANDALUSIA) TO INCORPORATE 26 BUILDING ALLOTMENTS INTO THE APPROVED DEVELOPMENT AGREEMENT FOR THE 46-UNIT ANDALUSIA DEVELOPMENT LOCATED ON THE NORTH SIDE OF EAST DUNNE AVENUE, DIRECTLY NORTH OF THE MORGAN HILL KINDERCARE FACILITY LOCATED AT 605 EAST DUNNE AVENUE (APN 726-02-007)

Recommendation:

Waive the reading, adopt Ordinance No. 2312, 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.

17. ADOPT ORDINANCE 2313, NEW SERIES AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING CHAPTER 18.84 (ACCESSORY DWELLING UNITS) AND SECTION 18.124.020 (RESIDENTIAL LAND USES) OF CHAPTER 18.124 (LAND USE DEFINITIONS) OF TITLE 18 (ZONING CODE) 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:

Waive the reading, adopt Ordinance No. 2313, 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.

PUBLIC HEARING

18. RESCIND ORDINANCE NO. 2131 NEW SERIES IN RESPONSE TO REFERENDUM CHALLENGING ZONING AMENDMENT FOR A PARCEL LOCATED ON THE NORTHEAST CORNER OF MADRONE PARKWAY AND LIGHTPOST WAY (APN 726-33-026)

Recommendation:

Rescind Ordinance No. 2131 in response to the referendum petition submitted by the Morgan Hill Hotel Coalition.

Estimated Time: 5 Minutes

19. ADOPT RESOLUTION AMENDING THE GENERAL PLAN LAND-USE DESIGNATION ON THE PARCEL LOCATED AT THE SOUTH-EAST CORNER OF LIGHTPOST WAY AND MADRONE PARKWAY. (APN 726-33-026) FROM COMMERCIAL TO COMMERCIAL/INDUSTRIAL

Recommendation:

1. Open/close public hearing; and
2. Adopt Resolution approving an amendment to the General Plan land-use designation.

Estimated Time: 5 Minutes

20. ADOPT RESIDENTIAL DEVELOPMENT DESIGN AND DEVELOPMENT STANDARDS (MISC2019-0009) THAT RESPOND TO THE REQUIREMENT OF SB330-GOVERNMENT CODE SECTION 65589.5

Recommendation:

1. Open/close public hearing; and
2. Adopt Resolution approving the Residential Development Design and Development Standards.

Estimated Time: 30 Minutes

OTHER BUSINESS

21. ACCEPT SEPTEMBER 2019 FINANCIAL AND INVESTMENT AND CITY MANAGER AUTHORITY REPORTS

Recommendation:

Accept and file report.

Estimated Time: 10 Minutes

22. INTRODUCE 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 the 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.

Estimated Time: 15 Minutes

23. SPORTS FACILITY LAND ACQUISITION

Recommendation:

1. Adopt resolution amending the adopted Fiscal Year (FY) 2019-20 budget to appropriate \$1,250,000 from the Park Impact Fund (301) for the purchase of property and associated costs;
2. Authorize the City Manager to execute a purchase agreement with Angelo Grestoni for the purchase of 3.85 acres of property (APN 817-13-008) for \$1,199,000;
3. Authorize the City Manager to execute a certificate of acceptance for the property; and
4. Authorize the City Manager to execute all documents, agreements, and payments necessary to complete the purchase of the property.

Estimated Time: 30 Minutes

24. 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.

Estimated Time: 10 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

