



Meeting Minutes City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, January 15, 2020 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	
Yvonne Martinez Beltran	Mayor Pro Tem	Present	
Larry Carr	Council Member	Present	
John McKay	Council Member	Present	
Rene Spring	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 # 32- PLANNING AND DECISION MAKING

RECOGNITIONS

Gift of Reading Essay Contest Winners

Second-Third Grade Winners

Chase Haugen

Emily Edelsten

Fourth-Fifth Grade Winners

Elisabeth Jo Stevenson

Colby Haugen

Sixth-Eighth Grade Winners

Kyle Strenfel

Nevaeh Gonzalez

High School Winners

Megan Jones

Agnes William

October 5, 2019 Tree Planting Recognitions

Zanker Recycling

Kiwanis Club of Morgan Hill

Recology

Pacific Gas & Electric

Rotary Club of Morgan Hill

CITY COUNCIL REPORTS

Council Member Carr provided a presentation on Valley Transportation Authority's (VTA) New Service Transportation Plan. The New Transit Service Plan uses color coding to differentiate between the service types. The bus stop signs are all new as well including the new color coding for service types. Additionally, there are new service and system maps, new time guides, and some routes have new names. The express routes in South County will be changing but not until April 2020.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She announced that the Annual City Council Goal Setting Workshop will take place on Friday and Saturday, January 24th and 25th in the Council Chamber. She encouraged the community to attend or tune in to the live stream of the workshop. She shared that the Law Foundation of Silicon Valley will be discussing the new statewide renter protections and presenting a general overview of fair housing on January 27th from 6:00 pm to 9:30 pm in the Council Chamber.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin reported on a litigation item that is not covered by our insurance or our liability pool. In October of 2019, the Morgan Hill Hotel Coalition filed a writ of mandate challenging the

City Council's ballot language for the hotel referendum on the March 3, 2020 ballot. Unfortunately, they waited more than a month to act on the petition which is unusual for a Writ Action. When the matter was finally heard, the court dismissed the petition because the Hotel Coalition doesn't actually have standing to bring a petition. The attorney for the Coalition, filed a very similar petition in December with a different plaintiff, one of their individual members, knowing that December 27th was the deadline for the ballot language to be finalized. The hearing on that petition was heard on December 20th. On December 23rd the Superior Court denied the petition under the elections code provisions that require the City Council to prepare a ballot question that states both the purpose and the nature of the measure. On December 24th the Coalition's attorney filed a petition for writ of mandate in the 6th District Court of Appeals and asked for an expedited briefing, which was granted. We were given two days to prepare a responsive briefing. The City, County Registrar of Voters, and the hotel developer all filed briefs on December 30th. On December 31st the court denied that writ leaving the City Council's ballot language in place as adopted by the City Council. We are pleased that we were able to support the City Council's unanimous actions and that the voters will be given the full nature and purpose of the measure they are being asked to vote on.

OTHER REPORTS

Mayor Constantine shared that this past Saturday he attended a ribbon cutting ceremony at Galvan Park for the Inclusive Exercise Equipment project. We were able to do this project because we received the "Meet me in the Park" Grant awarded by the Walt Disney Company and the National Parks and Recreation Association. The grant was for \$30,000 and the City matched that amount for a total for \$60,000. He was joined at the ribbon cutting by Council Member John McKay and former Mayor Steve Tate.

He announced that Yvonne Martinez Beltran is the new Mayor Pro Tem and thanked Council Member Rene Spring for his service as Mayor Pro Tem.

Mayor Pro Tem Martinez Beltran shared that she attended a play called Historias de Mi Madre at Gavilan College and learned about our own local community leaders including Laura Escoto, Lupe Arellano, and Lisa DaSilva. She also attended the following events: the Morgan Hill Community Foundation's 15th annual Philanthropy Event, the Latinos in Action Community Group in San Jose, the Wreaths Across America event, the San Jose Veterans Day Parade, the LatinX Coalition's posada, she recognized and thanked all of the businesses in the community that contributed to that event, the Women's Leadership 2020 Meeting, and this last weekend she attended the League of California Cities Latino Caucus meeting in San Diego.

PUBLIC COMMENT

PUBLIC COMMENT SUPPLEMENT 1

The public comment opened at 7:40 pm. The following people were called to speak:

Joe Baranoski

Susie Jimenez

Miguel Jimenez

Brian Faircloth

Dave Wendt

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

CONSENT CALENDAR

Council Member Carr announced his conflict of interest on item 4 and noted an abstention on that item.

MOTION:

Approving consent calendar items 1 through 3, 5, 6, and 8 through 11.

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

1. RECEIVE CITY CORRESPONDENCE REGARDING UPPER LLAGAS CREEK WATERSHED FLOOD PREVENTION PROJECT

Recommendation:

Receive correspondence sent to the Valley Water Board regarding the Upper Llagas Creek Watershed Flood Prevention Project.

2. APPOINT EMERGENCY STANDBY COUNCIL

Recommendation:

Appoint former City Council Members Steve Tate, Caitlin Jachimowicz, Marilyn Librers, Marby Lee, Greg Sellers, and Mark Grzan as Emergency Standby Council Members to be called upon as needed in the event of an emergency.

3. ACCEPT OCTOBER 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

4. ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS – DEPOT STATION – TRACT NO. 10346

Recommendation:

1. Accept the subdivision public improvements for Depot Station – Tract No. 10346;
2. Authorize the City Engineer to sign a Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

5. ADOPT ORDINANCE 2315, NEW SERIES AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING CHAPTER 17.28 ("LAND DEDICATIONS AND RESERVATIONS") IN

**TITLE 17 (“SUBDIVISIONS”) OF THE MORGAN HILL MUNICIPAL CODE TO UPDATE
PARK DEDICATION REQUIREMENTS**

Recommendation:

Waive the reading, adopt Ordinance No. 2315, 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. 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. ITEM PULLED FOR DISCUSSION

8. APPROVE ACQUISITION OF POPPY JASPER ART

Recommendation:

1. Approve acceptance of future Poppy Jasper Art; and
2. Authorize the City Manager to execute and administer any agreements required for the acquisition.

9. APPROVE THE NOVEMBER 20, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

10. APPROVE THE DECEMBER 4, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

11. APPROVE THE DECEMBER 18, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEM PULLED FOR DISCUSSION

**7. APPROVE DEVELOPMENT OF A MINIATURE GOLF COURSE ADJACENT TO THE
AQUATICS CENTER**

Recommendation:

Adopt resolution amending the adopted Fiscal Year (FY) 2019-20 budget to appropriate \$80,000 from the Recreation Center Impact Fund (360) for the purchase and development of a miniature golf course at the

Aquatics Center.

Public Services Director Chris Ghione provided a report and answered questions.

The public comment opened at 8:09 pm.

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

MOTION:

Approving the recommended actions.

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

The meeting recessed at 8:09 pm.

The meeting reconvened at 8:16 pm.

OTHER BUSINESS

12. RECEIVE PUBLIC COMMENT REGARDING JACKSON MEADOWS #6 AND MILL CREEK SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

Provide opportunity for the public to be heard on the matter of the planned increase in the maximum assessment rate in the Jackson Meadows #6 and Mill Creek Subarea.

Public Services Director Chris Ghione provided a report and answered questions.

The public comment opened at 8:19 pm. The following people were called to speak:

John Lyle

Jennifer Holmstrom

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

RESULT:	NO ACTION TAKEN
----------------	------------------------

13. CONSIDER RESOLUTION IN SUPPORT OF PRESERVATION OF SARGENT RANCH/JURISTAC AS OPEN SPACE

Recommendation:

Consider adoption of resolution in support of preservation of Sargent Ranch/Juristac as open space.

City Manager Christina Turner provided a report and answered questions.

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

Swanee Edwards

Kathy Chavez Napoli

Teresa Yolotl

Carolyn Straab

Kathy Sullivan

Tedde Simon

Valentin Lopez

Shannon Rivers

Julie Hutcheson

Lou Chiaramonte Jr.

Sharat G. Lin
Catherine Luna
Sousan Manteghi Safakish
Alexii Sigona
Alice Kaufman
Justin Wang

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

MOTION:

Adopting resolution in support of the preservation of Sargent Ranch/Juristac as open space changing the language in the resolve paragraph (last paragraph) to read as follows: BE IT FURTHER RESOLVED; that the City Council of the City of Morgan Hill urges the County of Santa Clara to preserve the entirety of the Sargent Ranch lands as open space.

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

The meeting recessed at 9:42 pm.

The meeting reconvened at 9:56 pm.

14. RECEIVE REPORT AND ADOPT RESOLUTION PROMOTING OUTREACH ACTIVITIES AND PARTICIPATION IN THE CENSUS 2020 UPDATE

Recommendation:

1. Receive Report; and
2. Adopt resolution promoting outreach activities and participation in the 2020 decennial census.

Amy Whelan provided a report and presentation.

The public comment opened at 10:17 pm.

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

MOTION:

Adopting resolution promoting outreach activities and participation in the 2020 decennial census.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session item.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment opened at 10:18 pm.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 10:19 pm.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Initiation of litigation under Government Code Section 54956.9(d)(4)

One Case

RECONVENE

The meeting reconvened at 10:27 pm.

City Attorney Donald Larkin announced that the Council authorized the City Attorney to join the City of San Francisco as an amicus in US v Sineneng-Smith (US Supreme Court Case No. 19-67).

ADJOURNMENT

There being no further business, the meeting adjourned at 10:28 pm.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk