



**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, February 5, 2020 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 closed session.

6:00 pm Closed Session
7:00 pm Regular Meeting

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

SPECIAL MEETING

6:00 PM Closed Session

CALL TO ORDER

Mayor Constantine called the special meeting to order at 6:00 pm.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
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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.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session items.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment opened at 6:01 pm.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:02 pm.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

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

One Case

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§54957)

Title: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§54957)

Title: City Attorney

REGULAR MEETING

7:00 PM

CONVENE REGULAR MEETING

The regular meeting convened at 7:02 pm.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that there was no reportable action from one of the three closed session items and the other two items were continued to the end of the regular meeting.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring shared that he, along with Council Member Carr, is a member of the South County Regional Wastewater Authority (SCRWA) which oversees the wastewater system we share with Gilroy. One of the topics you will be hearing more about is the need to expand the facility. If you have any questions about the facility, please feel free to reach out to Council Members Spring or Carr or attend an upcoming SCRWA meeting. He spoke about his assignment to the Santa Clara Valley Habitat Agency (Agency) Governing and Implementation Boards. He shared that the Agency just bought over 600 acres of the Tilton Ranch and is in conversations with the owners to buy the remainder of the ranch for preservation. He encouraged people to check out their website to learn more about the work they are doing.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She shared that this summer, young women between the ages of 14 and 18, can attend Camp Cinder in Shasta for free. You can learn more by going to the CalFire website or to the City Website. She announced that the City is looking for volunteers to help with the Census count, specifically to help count those that are considered hard to count. We are looking for volunteers to help between March and May, to among other things, help staff a questionnaire assistance center. You can learn more about this opportunity on our website. She concluded by mentioning that the City will be providing fact sheets and information related to Measure A including what the measure is, why it is on the ballot, transient occupancy taxes versus sales tax, and speak generally to hotels. Measure A is a measure on the March 3, 2020 ballot related to two proposed hotels. As the City we can only provide information. This information will also be available on the City website.

OTHER REPORTS

Mayor Pro Tem Martinez Beltran spoke regarding her work on the Silicon Valley Clean Energy (SVCE) Board. She shared that she attended a League meeting last week with Council Member McKay, where they received an update on housing, the RHNA goals, upcoming legislation, homeless shelters, and affordable housing.

PUBLIC COMMENT

PUBLIC COMMENT SUPPLEMENT 1

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

Joe Baranowski

Julie Hutcheson

Greg Leonard

Nick Thorp

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1, 2, and 4, through 8.

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

1. ACCEPT NOVEMBER 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

2. INFORMATION TECHNOLOGY BUDGET INCREASE

Recommendation:

Adopt resolution amending the adopted 2019-20 Fiscal Year Budget appropriating \$160,000 from the Information Services Fund (730) for critical technology upgrades.

3. ITEM PULLED FOR DISCUSSION

4. APPROVE GROUND LEASE AGREEMENT FOR EQUIPMENT SHELTER AT COMMUNITY PARK BETWEEN THE CITY OF MORGAN HILL AND LCB COMMUNICATIONS LLC

Recommendation:

Approve a five-year Ground Lease Agreement, with an option to extend for two additional five-year terms, between the City of Morgan Hill and LCB Communications LLC, for a small communications equipment shelter to be generally located at the far southwestern corner of Community Park.

5. APPROVE PURCHASE OF PROPERTY (KIM & HWANG) APN 726-21-006 FOR THE MAIN AVENUE BIKE LANE AND SIDEWALK PROJECT

Recommendation:

1. Adopt resolution approving the purchase of a portion of APN 726-21-006 for \$101,277 plus escrow and closing costs from Kevin Kim and Jessica Hwang for the Main Avenue Bike Lane and Sidewalk Project; and
2. Authorize the Public Services Director to execute all documents and make minor modifications as necessary in order to consummate the transaction.

6. APPROVE THE JANUARY 15, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

7. APPROVE THE JANUARY 24, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

8. APPROVE THE JANUARY 25, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEM PULLED FOR DISCUSSION

3. APPROVE CHANGE TO LIBRARY, CULTURE AND ARTS COMMISSION TERMS

Recommendation:

Approve transition to four year terms for the Library, Culture and Arts Commission.

Council Services and Records Manager Michelle Bigelow provided the report and answered questions.

MOTION:

Approving the recommended action.

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

PUBLIC HEARING

9. ADOPT RESOLUTION AUTHORIZING THE COUNTY TO COMMENCE 2020 HAZARDOUS VEGETATION ABATEMENT PROGRAM

Recommendation:

1. Open/Close public hearing;
2. Adopt resolution A authorizing Santa Clara County to commence hazardous vegetation abatement activities on the attached list; and
3. Adopt resolution B authorizing Santa Clara County to commence hazardous vegetation abatement activities for the remaining parcel.

Program Administrator Anthony Eulo provided the report.

The public hearing opened at 7:38 pm. The following people were called to speak:

Lou DeLurgio

Mike Shropshire

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

MOTION:

Adopting resolution A authorizing Santa Clara County to commence hazardous vegetation abatement activities on the attached list removing 2990 Thomas Grade from the list and deputizing the Fire Marshall to review the 1270 Almond Orchard Dr property to determine if the property should be removed from the list.

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

MOTION:

Adopt resolution B authorizing Santa Clara County to commence hazardous vegetation abatement activities for the remaining parcel.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Larry Carr, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Martinez Beltran, Carr, Spring
ABSTAIN:	McKay

OTHER BUSINESS**10. HOLD PUBLIC HEARING AND TABULATE BALLOTS FOR JACKSON MEADOWS #6 AND MILL CREEK SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1**

Recommendation:

1. Open public hearing for Jackson Meadows #6;
2. Accept public input on ballot proceeding;
3. Announce close of public hearing is pending – Any property owner wishing to withdraw their ballot must do so now;
4. Announce close of public hearing is pending – Any property owner wishing to submit a ballot must do so now;
5. Close Jackson Meadows #6 public hearing;
6. Open public hearing for Mill Creek;
7. Accept public input on ballot proceeding;
8. Announce close of public hearing is pending – Any property owner wishing to withdraw their ballot must do so now;
9. Announce close of public hearing is pending – Any property owner wishing to submit a ballot must do so now;
10. Close public hearing for Mill Creek;
11. Take ten-minute recess for ballot tabulation;
12. Accept verbal report from Deputy City Clerk on Jackson Meadows #6 ballot tabulation results; and
13. Accept verbal report from Deputy City Clerk on Mill Creek ballot tabulation results;
14. Adopt Resolution A or B certifying the Jackson Meadows #6 ballot proceeding results; and
15. Adopt Resolution A or B certifying the Mill Creek ballot proceeding results.

Maintenance Coordinator Keri Russell provided the report.

The public hearing opened at 8:03 pm.

The Mayor announced that the close of the public hearing is pending and any property owner wishing to withdraw their ballot must do so now.

The Mayor announced that the close of the public hearing is pending and any property owner wishing to submit a ballot must do so now.

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

The public hearing opened at 8:05 pm.

The Mayor announced that the close of the public hearing is pending and any property owner wishing to withdraw their ballot must do so now.

The Mayor announced that the close of the public hearing is pending and any property owner wishing to submit a ballot must do so now.

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

The meeting recessed at 8:05 pm to tabulate the ballots.

The meeting reconvened at 8:17 pm.

MOTION:

Adopting resolution B certifying the Jackson Meadows #6 ballot proceeding results. The assessment ballot did not receive a majority of voting property owners in support, resulting in the maximum assessment rate for the Jackson Meadows #6 Subarea of the District not increasing.

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

MOTION:

Adopting resolution A certifying the Mill Creek ballot proceeding results. The assessment ballot received a majority in support, resulting in the maximum assessment rate for the Mill Creek Subarea of the District increasing at the beginning in the 2020-2021 Fiscal Year to \$285.

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

11. RECEIVE LEGISLATIVE UPDATE FOR THE POLICE DEPARTMENT

Recommendation:

Accept report.

Police Chief David Swing provided the presentation and report.

The public comment opened at 8:57 pm.

Sally Casas was called to speak.

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

RESULT:	ACCEPT REPORT
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12. UPDATES TO SUSTAINABLE MORGAN HILL, ONGOING PRIORITIES, AND 2020-21 STRATEGIC PRIORITIES

Recommendation:

Adopt updates to Sustainable Morgan Hill and ongoing priorities and establish the City Council's 2020-21 Strategic Priorities.

City Manager Christina Turner provided the report and presentation.

The public comment opened at 9:10 pm.
Sue Olt was called to speak.
There being no requests to speak, the public comment closed.

MOTION:

Adopting the updates to Sustainable Morgan Hill and ongoing priorities and establish the City Council's 2020-21 Strategic Priorities modifying the ongoing priority of protecting the environment to read protecting the environment and preserving open space and agricultural lands.

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

13. APPROVE UPDATED CITY COUNCIL POLICIES: 97-01 RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS, PLACEMENT OF ITEMS ON THE AGENDA, AND MATTERS TO BE RECONSIDERED, 99-01 SELECTION OF MAYOR PRO TEMPORE, 94-09 PROCLAMATION/RECOGNITION POLICY, AND ADOPT UPDATED RESOLUTION AUTHORIZING MAYOR AND/OR CITY MANAGER TO PREPARE, EXECUTE, AND TRANSMIT COMMUNICATIONS INDICATING A POSITION ON PROPOSED STATE, COUNTY, OR REGIONAL BOARDS' LEGISLATION OR ACTION THAT MAY HAVE AN IMPACT UPON THE CITY

Recommendation:

1. Approve updated City Council Policies: 97-01 Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered, 99-01 Selection of Mayor Pro Tempore, and 94-09 Proclamation/Recognition Policy; and
2. Approve updated resolution authorizing the Mayor and/or City Manager to prepare, execute, and transmit communications indicating a position on proposed State, County, or regional boards' legislation or action on certain matters that may have impacts upon the City in certain circumstances and directing a report back to City Council on any such communications transmitted.

City Manager Christina Turner provided the report and presentation.

The public comment opened at 9:22 pm.
Joe Baranowski was called to speak.
There being no requests to speak, the public comment closed.

MOTION:

Approving the updated City Council Policies: 97-01 Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered, 99-01 Selection of Mayor Pro Tempore, and 94-09 Proclamation/Recognition Policy; and Approve updated resolution authorizing the Mayor and/or City Manager to prepare, execute, and transmit communications indicating a position on proposed State, County, or regional boards' legislation or action on certain matters that may have impacts upon the City in certain circumstances and directing a report back to City Council on any such communications transmitted.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session items.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 9:35 pm.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 9:36 pm.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

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

One Case

RECONVENE

The meeting reconvened at 10:28 pm.

City Attorney Donald Larkin announced there was no reportable action.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:29 pm.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk