



CITY OF MORGAN HILL

Special - Regular Meeting Agenda

City Council

Steve Tate ~ Mayor

Rich Constantine ~ Mayor Pro Tem

Gordon Siebert ~ Council Member

Marilyn Librers ~ Council Member

Larry Carr ~ Council Member

Wednesday, May 18, 2016

5:30 PM

Council Chamber

17555 Peak Avenue

Morgan Hill, CA 95037

SPECIAL MEETING

5:30 P.M.

A Special Meeting of the City Council is called at 5:30 p.m. for the purpose of conducting a Closed Session and a Housing Workshop.

TELECONFERENCE

Mayor Tate will be participating in the meeting via teleconference as follows:

Mayor Steve Tate
416 33rd Avenue North
Nashville, TN 37209

Public comment from the Tennessee location shall be allowed.

CALL TO ORDER

(Mayor Pro Tem Constantine)

ROLL CALL ATTENDANCE

(Deputy City Clerk Wilson)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk Wilson)

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Authority: Pursuant to Government Code Section 54956.9(d)(1)
Case Name: City of Morgan Hill v. Kim Porzio, et al.
Case Number: Santa Clara County Superior Court Case No: 1-14-CV-265762
Attendees: City Manager; Interim City Attorney, Special Counsel

Authority: Pursuant to Government Code Section 54956.9(d)(1)
Case Name: City of Morgan Hill v. Alison Smith, et al.
Case Number: Santa Clara County Superior Court Case No: 1-15-CV-279950
Attendees: City Manager; Interim City Attorney, Special Counsel

Authority: Pursuant to Government Code Section 54956.9(d)(1)
Case Name: The Bank of New York Mellon v. City of Morgan Hill, et al.
Case Number: Santa Clara County Superior Court Case No: 1-15-CV-279257
Attendees: City Manager; Interim City Attorney, Special Counsel

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Authority: Pursuant to Government Code Section 54956.9(d)(4)
Number of Cases: One (1)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Authority: Pursuant to Government Code Section 54956.9(d)(2)
Number of Cases: One (1)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Pursuant to Government Code Section 54956.8
Property: APN 817-13-037, 1250 Barrett Avenue
Negotiating Parties: Attendees; City Manager, Interim City Attorney,
Director of Community Services Department
Name of Property Owner: Lomanto, Virginia Trustee
Under Negotiation: Price and Terms of Payment

RECONVENE

CLOSED SESSION ANNOUNCEMENT

6:00 p.m.

HOUSING WORKSHOP

Item # Report #

1 [16-361](#) **HOUSING WORKSHOP, PART 1**

Recommendation: The purpose of the Housing Workshop is to comprehensively discuss the City's affordable housing programs, policies, and projects.

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

CITY COUNCIL REPORTS

Council Member Siebert

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PRESENTATIONS

Item # Report #

[16-369](#) **YAC Presentation - Asset #18- Youth Programs**

PROCLAMATIONS

**Proclaiming Saturday May 21, 2016 as Kids to Parks Day
Commissioners Mary Seehafer and Ron Locicero**

**Proclaiming the week of May 13-20, 2016 as Affordable Housing Week
Daniel Rhine, Eden Housing, Sandra Murillo, Rosa Ly, and Martha Lopez, HTSV**

**Proclaiming May 15, 2016 as Peace Officers' Memorial Day
and**

**The week of May 15-21, 2016 as National Police Week
Chief Swing**

**Proclaiming the Month of May as Aquatics Month
Splash**

RECOGNITIONS

Sakata Seed America, Inc.

Alecia Troy, Senior Marketing Manager

Business Recycler of the Year

Presenter: Julie Alter, Recology South Valley

Recipient: Rosy Bergin, Rosy's at the Beach

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

Item # Report #**2** [16-336](#)

ADOPT ORDINANCE 2197, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A PRECISE DEVELOPMENT PLAN FOR A 37-UNIT RESIDENTIAL DEVELOPMENT AND AMENDING THE ZONING DISTRICT FROM R2-3,500 TO R2-3,500 (PD)- LOCATED AT THE NORTHWEST CORNER OF MONTEREY ROAD AND WATSONVILLE ROAD (APN 767-23-030)

Recommendation:

Waive the reading, adopt Ordinance No. 2197, 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.

Item # Report #**3** [16-337](#)

ADOPT ORDINANCE 2198, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION DA-14-08: MONTEREY - YOUNG A 37-UNIT RESIDENTIAL DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF MONTEREY ROAD AND WATSONVILLE ROAD (APN 767-23-030)

Recommendation:

Waive the reading, adopt Ordinance No. 2198, 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.

Item # Report

4 [16-333](#)**ADOPT ORDINANCE 2199, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING CHAPTER 5.64 (TOBACCO RETAILER'S LICENSE) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL TO CLARIFY WHEN TOBACCO RETAILER'S LICENSE RENEWALS EXPIRE, TO ASSESS A PENALTY FOR LATE RENEWALS AND CLEAN UP LANGUAGE FROM THE ORDINANCE**

Recommendation: Waive the reading, adopt Ordinance No. 2199, 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.

Item # Report

5 [16-325](#)**APPROVE FINAL MAP FOR BARIEY PLACE - TRACT 10239, FORMALLY KNOWN AS the GRANARY DISTRICT (corner of Depot Street and east main avenue)**

Recommendation: Adopt resolution:

1. Rescinding resolutions 6819 and 7027;
2. Approving final map for Barley Place - Tract 10239 for Condominium Purposes;
3. Authorizing the City Clerk to sign final map authorizing the abandonment of an unused portion of a public street easement;
4. Authorizing the City Manager to execute the Subdivision Improvements Agreement with Barley Place LLC;
5. Authorizing the recordation of the final map and Subdivision Improvements Agreement; and
6. Authorizing the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney.

Item # Report

6 [16-345](#)**APPROVE THE APRIL 27, 2016 SPECIAL/REGULAR CITY COUNCIL MEETING MINUTES**

Recommendation: Approve Minutes.

Item # Report

7 [16-343](#)**APPROVE THE MAY 4, 2016 REGULAR CITY COUNCIL MEETING MINUTES**

Recommendation: Approve Minutes.

Item # Report

8 [16-330](#)**AWARD CONTRACT FOR ON-CALL EMERGENCY SPILL
RESPONSE CLEANUP SERVICES****Recommendation:**

Adopt resolution:

1. Awarding a consultant agreement to All Clean Hazardous Waste Removal, Inc. ("All Clean") for emergency spill response cleanup services for three years, with the option to extend the term of the agreement for a maximum period of one year; and
2. Authorizing the City Manager to execute the agreement and other related documents for a three year term not to exceed \$100,000 annually, and allowing the City Manager to extend the term of the contract for an additional one year after the initial term not to exceed an additional \$100,000 for a total not to exceed of \$400,000 for four years.

Item # Report

9 [16-341](#)**CITY POSITION ON PENDING STATE LEGISLATION - SB
1069 ACCESSORY DWELLING UNITS AND AB 2444
CALIFORNIA PARKS, WATER, CLIMATE, AND COASTAL
PROTECTION AND OUTDOOR ACCESS FOR ALL ACT OF
2016****Recommendation:**

1. Receive legislative correspondence in opposition of SB 1069 Accessory Dwelling Units;
2. Support AB 2444 (Garcia) California Parks, Water, Climate, and Coastal Protection and Outdoor Access for All Act of 2016; and
3. Direct staff to submit letters in support of AB 2444 to the appropriate representatives

Item # Report

10 [16-334](#)**SILICON VALLEY REGIONAL COMMUNICATION SYSTEM
RADIO AND EQUIPMENT PURCHASE****Recommendation:**

Adopt resolution:

1. Rejecting all bids for Fire Department portable multiband radios; and
2. Authorizing the City Manger to purchase multiband radios and equipment for Police and Fire Departments through the Silicon Valley Radio Communication Systems Project Cooperative Agreement for an amount not to exceed \$960,029.

Item # Report

11 [16-332](#)**THIRD PARTY CLAIMS ADMINISTRATION FOR WORKERS' COMPENSATION**

Recommendation: Adopt resolution authorizing the City Manager to execute and subsequently administer a two-year agreement (FY 2016-17 and FY 2017-18) with Innovation Claims Solutions, Inc. to provide third party claims administration for workers' compensation in an amount not to exceed \$69,080.

Item # Report

12 [16-328](#)**OUTDOOR SPORTS CENTER CONCESSIONAIRE AGREEMENT AMENDMENT**

Recommendation:

1. Adopt resolution authorizing the City Manager to enter into a Third Amendment to the Concessionaire Agreement for the Outdoor Sports Center (OSC) with the Morgan Hill Youth Sports Alliance; and
2. Direct City staff to begin review of alternative operating models for future operations at the OSC.

Item # Report

13 [16-319](#)**COUNCIL MEMBER MARILYN LIBRERS TRAVEL IN CONNECTION WITH THE SILICON VALLEY MAYORS' CHINA TRIP**

Recommendation: Authorize Council Member Marilyn Librers to attend the Silicon Valley Mayors' China Trip from May 21, 2016 through May 31, 2016 and authorizing the reimbursement of related travel expenses from the City Council budget in the General Fund in an amount not to exceed \$400 and in accordance with applicable City policies and procedures.

OTHER BUSINESS:

Item # Report

14 [16-346](#)**INCLUSIVE PLAYGROUND CONCEPT DESIGNS**

Recommendation: Approve concept designs for the Morgan Hill Inclusive Playground.

Estimated Time: 10 Minutes

Item # Report

15 [16-179](#)**UPDATE ON REGIONAL MINIMUM WAGE EFFORTS AND
ADOPTION OF A LOCAL MORGAN HILL MINIMUM WAGE****Recommendation:**

1. Accept a report on San Jose's regional minimum wage study;
2. Provide direction on Morgan Hill's position for the Cities Association June discussion;
3. Discuss local minimum wage Ordinance per March 2, 2016, City Council direction; and
4. Do not adopt a local minimum wage at this time.

Estimated Time:

30 Minutes

Item # Report

16 [16-342](#)**RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS)
BIENNIAL REVIEW AND ADOPTION OF SET ASIDE
ALLOTMENTS FOR THE 2016 RDCS COMPETITION****Recommendation:**

Adopt Resolution approving the total building allotment for FY 2018/19 and 2019/20 and the housing type distribution for the 2016 RDCS competition.

Estimated Time:

30 Minutes

Item # Report

17 [16-298](#)**2016 DOWNTOWN PARKING CONDITIONS STUDY UPDATE
- HEXAGON TRANSPORTATION CONSULTANTS****Recommendation:**

1. Receive report, and
2. Provide comments and direction regarding the study recommendations.

Estimated Time:

30 Minutes

Item # Report

18 [16-327](#)**SITE REVIEW: MONTEREY - LEAL: GRANADA HOTEL THE
PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL
NUMBER(S) 726-14-030, -029, -031, -026 AND -025, ARE
LOCATED ON THE SOUTHWEST CORNER OF MONTEREY
ROAD AND EAST 1ST STREET.****Recommendation:**

Review of Planning Commission action approving a Conditional Use Permit and Architectural and Site Review for a 60-room hotel with commercial and retail on the first floor.

Estimated Time:

10 Minutes

Item # Report

19 [16-339](#)**HOUSING PROGRAM UPDATE****Recommendation:**

1. Receive Housing Program Update;
2. Adopt Below Market Rate Program Resolution;
3. Authorize City Manager to Amend Nyanda & Associates HouseKeys Below Market Rate Agreement; and
4. Authorize City Manager to enter into an agreement with Rebuilding Together for a Rehab, Blight Busters Program.

Estimated Time: 15 Minutes**PUBLIC HEARINGS:**

Item # Report

20 [16-349](#)**MUNICIPAL CODE AMENDMENT (ZA-16-04: STREET TREES) AN AMENDMENT TO TITLE 12, CHAPTER 12.23 RESTRICTIONS ON REMOVAL OF SIGNIFICANT TREES, TO AMEND SECTIONS 12.32.020-DEFINITIONS, 12.32.070 PERMIT-APPROVAL-CRITERIA TO ADD SEPARATE SPECIFIC PROVISIONS FOR THE REPLACEMENT OF STREET TREES****Recommendation:**

1. Open Public Hearing; and
2. Continue the item to the June 1, 2016 City Council meeting.

Estimated Time: 5 Minutes

Item # Report

21 [16-338](#)**INITIATE ANNUAL ASSESSMENT PROCESS FOR LANDSCAPE ASSESSMENT DISTRICT NUMBER 1****Recommendation:**

- Adopt the resolutions approving the following actions:
1. Initiate the proceedings for the levy of assessments for Fiscal Year 2016-17
 2. Provide approval of the Engineer's Annual Report and the proposed assessment levy, and
 3. Declare the City Council's intention to levy the assessments in the District and to set the Public Hearing date for June 15, 2016.

Estimated Time: 5 Minutes

Item # Report

22 [16-317](#)**REQUESTS FOR EXTENSIONS TO RESIDENTIAL
DEVELOPMENT CONTROL SYSTEM (RDCS) PROJECT
APPROVED CONSTRUCTION SCHEDULES AS FOLLOWS:**

- 1. DEVELOPMENT AGREEMENT AMENDMENT, DAA-06-04G: DIANA - SHERIMAR: located on the south side of Diana Avenue west of Ringel Drive and east of Murphy Avenue (Assessor's Parcel Number 728-20-043 and 045) is. CEQA: Previously adopted Mitigated Negative Declaration.**
- 2. DEVELOPMENT AGREEMENT AMENDMENT, DAA-09-05C: COCHRANE - BORELLO: located at Cochrane Road adjacent to Alicante Estates and Alicante Ranch bordered by Peet road and Coyote road (Assessor Parcel Number 728-34-026, is located at) CEQA: Previously adopted Environmental Impact Report.**
- 3. DEVELOPMENT AGREEMENT AMENDMENT, DAA-14-03: BUTTERFIELD - DIVIDEND: located on the northwest and northeast corners of the intersection of Butterfield Boulevard and Central Avenue (Assessor's Parcel Number 726-26-005) CEQA: Previously Adopted Mitigated Negative Declaration.**

- Recommendation:**
1. DAA 06-04G: Diana-Sherimar/Martinez:
 - a. Open/close Public Hearing;
 - b. Waive First and Second Reading of Development Agreement Amendment Ordinance; and
 - c. Introduce Development Agreement Amendment Ordinance.

 2. DAA 09-05C: Cochrane-Borello:
 - a. Open/close Public Hearing;
 - b. Waive First and Second Reading of Development Agreement Amendment Ordinance; and
 - c. Introduce Development Agreement Amendment Ordinance.

 3. DAA-14-03: Butterfield-Dividend:
 - a. Open/close Public Hearing;
 - b. Waive First and Second Reading of Development Agreement Amendment Ordinance; and
 - c. Introduce Development Agreement Amendment Ordinance.

Estimated Time: 20 Minutes

Item # Report #

23 [16-318](#)

ZONING AMENDMENT, ZA-16-03:RESIDENTIAL CARE FACILITIES (AMENDING THE DEFINITION OF CONGREGATE CARE FACILITIES THROUGHOUT THE CITY)

- Recommendation:**
1. Open/close Public Hearing;
 2. Waive the First and Second Reading of the Zoning Amendment Ordinance; and,
 3. Introduce Zoning Amendment Ordinance.

Estimated Time: 20 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 by 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 michelle.wilson@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 michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

City Council's Priorities, Goals, and Strategies

2016

2016 Commitment

The City Council is committed to engaging the community and being responsible stewards of public resources.

Ongoing Priorities

The City Council is committed to providing high quality and sustainable services for the entire Morgan Hill community. Fundamental to the City Council's success are the ongoing priorities of:

- **Enhancing public safety**
- **Protecting the environment**
- **Maintaining fiscal responsibility**
- **Supporting youth**
- **Fostering a positive organizational culture**
- **Preserving and cultivating public trust**

2016 Focus Areas

In addition to the City Council's priorities, five specific focus areas were recognized by the Council that will require significant resources in 2016.

- **Planning Our Community**
- **Developing Our Community**
- **Enhancing Our Services**
- **Improving Our Communication**
- **Participating In Regional Initiatives**