



Meeting Minutes

City Council

Steve Tate ~ Mayor

Rich Constantine ~ Mayor Pro Tem

Gordon Siebert ~ Council Member

Marilyn Librers ~ Council Member

Larry Carr ~ Council Member

Wednesday, September 21, 2016

5:30 PM

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

SPECIAL/REGULAR MEETING

A Special Meeting of the City Council was called at 5:30 p.m.
for the purpose of conducting a workshop.

SPECIAL MEETING

The meeting was called to order at 5:37 p.m.

5:30 P.M.

[16-652](#)

LOCAL AND REGIONAL TRANSPORTATION WORKSHOP

*The public comment was opened at 6:10 p.m.
Several members of the public were called to speak.
Hearing no further requests to speak, the public comment was closed.*

Economic Development Manager Edith Ramirez presented the report along with Ben Tripousis and Gary Kennerley with High Speed Rail.

The workshop was adjourned at 6:53 p.m.

REGULAR MEETING

7:00 P.M.

CALL TO ORDER

The regular meeting was called to order at 7:02 p.m.

ROLL CALL ATTENDANCE

Present: 5 - Council Member Carr, Mayor Pro Tem Constantine, Council Member Librers,
Council Member Siebert, Mayor Tate

Absent: 0

DECLARATION OF POSTING OF AGENDA

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

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Carr encouraged everyone to be aware of their surroundings when driving, especially since school has started and there are more young drivers and buses on the roads. He shared that he and Mayor Pro Tem Constantine attended a function at Live Oak High School to celebrate the fact that all of the schools in Morgan Hill Unified and the Police Department in Morgan Hill now have AEDs, Automatic Emergency Defibrillators, which will save lives. At the assembly, kids were trained on how to use the AEDs and the Police now have them in every one of their vehicles. Quite frequently in emergency situations, the Police are the first people to respond and now we have an even greater opportunity to save lives in Morgan Hill. The ability to obtain all of the AEDs came from a grant from a non-profit group and the County of Santa Clara. He thanked Supervisor Wasserman for helping us to obtain the AEDs.

He shared that earlier tonight we had a workshop on transportation and he wanted to continue on that theme. As a part of his role as Chair of the Policy Advisory Committee for the Valley Transportation Authority, they have discussed express lanes throughout Santa Clara County. Most of the neighboring counties, particularly to the north and the east of Morgan Hill where express lanes currently exist, have turned their express lanes into 24 hour express lanes. Santa Clara County is talking about what those implications may and will be when that happens. That will be something that we all watch as we look at what happens along 101. It is one of the corridors that is slated to have express lanes from one end of the county to the other.

He also recently, as that same representative of VTA, met with a group of seniors from Morgan Hill and Gilroy brought together by our Senior coordinator here in Morgan Hill, to discuss the transportation needs of seniors within the community. There is some concern that as VTA goes through the process of hiring a new vendor to provide paratransit and senior services, that the ability for those seniors to utilize the transportation will be impacted. We need to make sure that any new contract does not reduce the ability for seniors in Morgan Hill or Gilroy to utilize the transportation services.

CITY MANAGER'S REPORT

City Manager Steve Rymer recognized Rebecca Garcia our Housing Manager, Sydney Oam our Finance and Policy Analyst, and Scott Martin who is one of our Police Corporals for living our core value of professional development. They recently graduated from 2016 Leadership Morgan Hill class. The class raised \$72,000 for the Bonfonte Johnson Education Center.

He announced that the 27th Annual Taste of Morgan Hill will take place this weekend downtown. He thanked the Chamber of Commerce and the volunteers for making this happen year after year.

He shared that next week on September 27th we will have a community meeting for High Speed Rail in the Council Chamber starting at 5:30 p.m.

City Manager Steve Rymer announced that the Centennial Recreation Center's 10 year anniversary will be on October 15th starting at 11:00 a.m. at the Centennial Recreation Center. He encouraged the community to join in the festivities.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no reports.

OTHER REPORTS

Council Member Constantine reminded the community to please not paint any group of people with a broad brush, in every vocation there are people that make mistakes and do things that are not right, but to please not paint the men and women that wear the uniform in Morgan Hill with that brush. In Morgan Hill, our officers have been wearing body cameras for over five years. If you have questions, please feel free to ask your local police. They are here not only to enforce the law, but to also serve and protect.

Mayor Tate shared that the City Council received a letter from the Youth Action Council (YAC) asking what they could do to get involved and help the City Council and Community. He proposed that the Council hold a joint meeting with the Youth Action Council to develop ideas for the YAC to get more involved.

PROCLAMATIONS

**Honoring Jacob's Heart Children's Cancer Support Services and
Proclaiming the month of September as Childhood Cancer Awareness Month**

Proclaiming the month of September as Ovarian Cancer Awareness Month

Proclaiming the week of October 9-15, 2016 as Fire Prevention Week

PRESENTATION

[16-651](#) YAC PRESENTATION- ASSET #6 PARENT INVOLVEMENT IN
SCHOOLING

PUBLIC COMMENT

*The public comment was opened at 7:22 p.m.
Hearing no requests to speak, the public comment was closed.*

ADOPTION OF AGENDA

Action: On a motion by Council Member Carr and seconded by Council Member Siebert, adopting the agenda as posted. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

CONSENT CALENDAR:

Approval of the Consent Calendar

Action: On a motion by Council Member Siebert and seconded by Council Member Carr, approving consent calendar items 1 through 8 with Council Member Librers recusing herself from item 7. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate
Noes: 0
Absent: 0

- 1 [16-629](#) AWARD DUNNE HILL FIRE STATION ROOF REPAIR
- 2 [16-643](#) REJECT THE BID FOR THE 2016 PAVEMENT RESURFACING PROJECT
- 3 [16-627](#) THIRD AMENDMENT TO CSG CONSULTANTS, INC. AGREEMENT FOR PROGRAM MANAGEMENT SERVICES
- 4 [16-636](#) FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT - ASSISTANCE TO FIREFIGHTERS 2015
- 5 [16-637](#) CITY SUPPORT OF THE LEAGUE OF CALIFORNIA CITIES VISION ZERO TRAFFIC SAFETY RESOLUTION
- 6 [16-635](#) JULY 2016 FINANCIAL AND INVESTMENT REPORT
- 7 [16-630](#) ADOPT ORDINANCE 2217, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT FOR THE DUNNE HILL MEADOW SIX LOT RESIDENTIAL DEVELOPMENT LOCATED ON THE NORTHEASTERLY CORNER OF EAST DUNNE AVENUE AND HILL ROAD (ASSESSOR'S PARCEL NUMBER 728-11-026)

Action: On a motion by Council Member Siebert and seconded by Council Member Carr, adopting Ordinance 2217. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Siebert, Tate
Noes: 0
Absent: 0
Recused: 1 - Librers

- 8 [16-645](#) APPROVE THE SEPTEMBER 7, 2016 REGULAR CITY COUNCIL MEETING MINUTES

OTHER BUSINESS:

*The meeting was recessed at 8:08 p.m.
The meeting was reconvened at 8:18 p.m.*

9 [16-642](#) AGRICULTURAL LANDS PRESERVATION REPORT

Kirk Girard, Director of Planning and Development for the County of Santa Clara and Andrea Mackenzie, General Manager of the Open Space Authority presented the report.

*The public comment was opened at 8:02 p.m.
Doug Muirhead was called to speak.
Brian Faircloth was called to speak.
Hearing no further requests to speak, the public comment was closed.*

Action: On a motion by Council Member Librers and seconded by Council Member Carr, accepting the report. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate
Noes: 0
Absent: 0

10 [16-602](#) DOWNTOWN PARKS FINAL DESIGNS AND LAND ACQUISITION

Community Development Director Chris Ghione presented the report.

*The public comment was opened at 8:48 p.m.
Hearing no request to speak, the public comment was closed.*

Action: On a motion by Council Member Siebert and seconded by Council Member Carr, approving the project scope, approving the designs for the Downtown Parks excluding the restrooms, and adopting resolution 16-159 authorizing the City Manager to execute a purchase agreement with the Santa Clara Valley Water District for two properties for an amount not to exceed \$126,000. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate
Noes: 1 - Constantine
Absent: 0

Action: On a motion by Council Member Carr and seconded by Mayor Pro Tem Constantine, adding the restrooms as a bid alternate to the project scope. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Tate
Noes: 1 - Siebert
Absent: 0

11 [16-640](#) TRANSIENT OCCUPANCY TAX COMPLIANCE AUDIT REPORT

Economic Development Director Edith Ramirez, Finance Director Dat Nguyen, and Jeff Ball with Davis Farr presented the report.

*The public comment was opened at 9:16 p.m.
Hearing no requests to speak, the public comment was closed.*

No action taken.

12 [16-638](#) LEGISLATIVE POSITIONS ON 2016 REGIONAL AND STATE BALLOT MEASURES

Administrative Analyst Hilary Holeman presented the report.

*The public comment was opened at 9:33 p.m.
Hearing no requests to speak, the public comment was closed.*

Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Carr, directing staff to correspond appropriately in support of Measures A, and B, Propositions 51, 54, 63, and 67 and in opposition of Propositions 53, 57, 64, and 65. The motion passed by the following vote:

- Ayes:** 5 - Carr, Constantine, Librers, Siebert, Tate
- Noes:** 0
- Absent:** 0

PUBLIC HEARINGS:

13 [16-608](#) DEVELOPMENT AGREEMENT, DA2016-004: CONDIT-MANA: A 165 - UNIT APARTMENT PROJECT LOCATED ON THE NORTHEAST SIDE OF SAN PEDRO AVENUE AND MURPHY AVENUE (APN 817-12-006)

Planner Tiffany Brown presented the staff report.

*The public hearing was opened at 9:38 p.m.
Hearing no requests to speak, the public hearing was closed.*

Action: On a motion by Council Member Siebert and seconded by Council Member Librers, waiving the first and second reading of Development Agreement Ordinance 2218. The motion passed by the following vote:

- Ayes:** 5 - Carr, Constantine, Librers, Siebert, Tate
- Noes:** 0
- Absent:** 0

Action: On a motion by Council Member Siebert and seconded by Council Member Librers, introducing Development Agreement Ordinance 2218. The motion passed by the following vote:

- Ayes:** 5 - Carr, Constantine, Librers, Siebert, Tate
- Noes:** 0
- Absent:** 0

- 14 [16-633](#) DEVELOPMENT AGREEMENT, DA2016-0006:PRICE-CONN: A DEVELOPMENT AGREEMENT FOR A SINGLE LOT RESIDENTIAL DEVELOPMENT LOCATED ON PRICE DRIVE, WEST OF DEWITT AVENUE (APN 773-08-081)

Interim Planning Manager Terry Linder presented the report.

The public hearing was opened at 9:42 p.m.

Hearing no requests to speak, the public hearing was closed.

Action: On a motion by Council Member Siebert and seconded by Council Member Carr, waiving the first and second reading of Development Agreement Ordinance 2219. The motion passed by the following

vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

Action: On a motion by Council Member Siebert and seconded by Council Member Carr, introducing Development Agreement Ordinance 2219. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

- 15 [16-617](#) DEVELOPMENT AGREEMENT, DA2016-0007: DEWITT-MURRAY - A FOUR LOT SUBDIVISION PROPOSED ON THE SOUTHEAST CORNER OF DEWITT AVENUE AND PRICE DRIVE (APN 773-08-064)

Interim Planning Manager Terry Linder presented the report.

The public hearing was opened at 9:45 p.m.

Hearing no request to speak, the public hearing was closed.

Action: On a motion by Council Member Carr and seconded by Mayor Tate, waiving the first and second reading of Development Agreement Ordinance 2220. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

Action: On a motion by Council Member Carr and seconded by Council Member Siebert, introducing Development Agreement Ordinance 2220. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

FUTURE COUNCIL INITIATED AGENDA ITEMS:

Council Member Constantine requested that the Santa Clara Valley Water District provide a report on the progress of PL566.

Council Member Carr asked for a discussion of the South County power connect proposal through PGE with the goal the of the council to take a position on where that project would be located.

CLOSED SESSION

City Attorney Donald Larkin read the closed session into the record.

OPPORTUNITY FOR PUBLIC COMMENT

*The public comment was opened at 9:48 p.m.
Hearing no requests to speak, the public comment was closed.*

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 9:49 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to: Government Code Section 54956.9(d)(4)
Number of Cases: One (1)

RECONVENE

The meeting was reconvened at 1014 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Donald Larkin announced that there was no reportable action.

ADJOURNMENT

The meeting was adjourned at 10:14 p.m.

MINUTES PREPARED BY:

Michelle Wilson, Deputy City Clerk

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**