



**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***

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**Wednesday, August 24, 2016**

**6:30 PM**

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

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**SPECIAL/REGULAR MEETING  
(6:30 P.M. CLOSED SESSION/ 7:00 P.M. REGULAR MEETING)**

A Special Meeting of the City Council is called at 6:30 p.m.  
for the purpose of conducting a closed session.

**SPECIAL MEETING**

**6:30 p.m.**

**CALL TO ORDER**

*(Mayor Tate)*

**ROLL CALL ATTENDANCE**

*(Minutes Clerk Gonzalez)*

**DECLARATION OF POSTING OF AGENDA**

*Per Government Code 54954.2*

*(Minutes Clerk Gonzalez)*

**CLOSED SESSION**

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to: Government Code Section 54956.9(d)(2)

Number of Cases: One (1)

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**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 Librers**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**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*

**Item # Report #****1** [16-568](#)**APPOINT DONALD A. LARKIN, CITY ATTORNEY, TO REPRESENT THE CITY OF MORGAN HILL ON THE ABAG PLAN CORPORATION BOARD OF DIRECTORS**

**Recommendation:** Adopt resolution appointing Donald A. Larkin, City Attorney, to represent the City of Morgan Hill on the ABAG PLAN Corporation Board of Directors.

**Item # Report #****2** [16-512](#)**COMMUNITY LAW ENFORCEMENT FOUNDATION OF MORGAN HILL DONATION AND IN-KIND DONATION OF EQUIPMENT FROM THE NON-PROFIT ORGANIZATION RACING HEARTS**

**Recommendation:** Adopt resolution:

1. Accepting a \$15,000 donation from the Community Law Enforcement Foundation of Morgan Hill (CLEF) for the purchase of automatic external defibrillators (AEDs) for patrol vehicles;
2. Accepting a \$15,000 in-kind donation of AEDs from Racing Hearts, a nonprofit public benefit corporation, for the AED purchase;
3. Authorizing the City Manager to execute a Memorandum of Understanding with Racing Hearts accepting the AEDs;
4. Accepting a \$2,100 donation from CLEF for travel, lodging, and registration fees for one Police Explorer Post Advisor to attend the National Law Enforcement Exploring Conference which was held in Flagstaff, AZ in July 2016; and
5. Recognizing the \$2,100 as revenue towards the CLEF Donations Fund and appropriating it to the Field Patrol Training and Education Fund.

## Item # Report #

3 [16-584](#)**COMMUNITY GARDEN EXPANSION AND RELOCATION****Recommendation:**

Adopt resolution authorizing the submission of a grant application to the Santa Clara Valley Open Space Authority and the execution of grant documents if the grant application is successful.

## Item # Report #

4 [16-503](#)**FISCAL YEAR 2016-2017 AND 2017-2018 SCHOOL RESOURCE OFFICER AGREEMENT WITH MORGAN HILL UNIFIED SCHOOL DISTRICT****Recommendation:**

Adopt resolution authorizing the City Manager to execute a two-year agreement with the Morgan Hill Unified School District to provide School Resource Officer services for Fiscal Year 2016-2017 and 2017-2018.

## Item # Report #

5 [16-507](#)**ADOPTION OF 2015 SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI)****Recommendation:**

Adopt resolution adopting the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI)

## Item # Report #

6 [16-563](#)**APPROVE SERVICE AGREEMENT FOR DESIGN PROFESSIONALS WITH WESTON MILES ARCHITECTS FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE LIBRARY EXPANSION PROJECT****Recommendation:**

Adopt resolution approving the following actions:

1. Approve Service Agreement for Design Professionals with Weston Miles Architects for design and construction support services for the Library Expansion Project in an amount not to exceed \$382,500; and
2. Authorize the City Manager to execute the Service Agreement for Design Professionals with Weston Miles Architects for design and construction support services for the Library Expansion Project.

## Item # Report #

7 [16-510](#)**SECOND AMENDMENT TO AGREEMENT WITH  
KENNEDY/JENKS CONSULTANTS FOR THE EAST DUNNE  
AVENUE RESERVOIR PROJECT****Recommendation:**

Adopt resolution approving the following actions:

1. Approving the Second Amendment to Agreement with Kennedy/Jenks Consultants for the East Dunne Reservoir project in the amount of \$135,796 for a total contract amount not to exceed \$526,074 for design services; and
2. Authorizing the City Manager to sign the Second Amendment to Agreement with Kennedy/Jenks Consultants for the East Dunne Reservoir project.

## Item # Report #

8 [16-575](#)**SECOND AMENDMENT TO FIRATO SERVICE COMPANY  
AGREEMENT****Recommendation:**

Adopt resolution approving the second amendment to the maintenance services agreement with Firato Service Company.

## Item # Report #

9 [16-544](#)**SECOND AMENDMENT TO SERVICE AGREEMENT FOR  
DESIGN PROFESSIONALS WITH HYDROSCIENCE  
ENGINEERS, INC. FOR THE OAK CANYON BOOSTER  
STATION REHABILITATION PROJECT****Recommendation:**

Adopt resolution authorizing the City Manager to execute a Second Amendment to Service Agreement for Design Professionals with HydroScience Engineers, Inc. for \$19,140 to continue to provide engineering services for the Oak Canyon Booster Station Rehabilitation project.

## Item # Report #

10 [16-548](#)**FINAL MAP APPROVAL FOR SAN SEBASTIAN PHASE 1B - TRACT NO. 10330****Recommendation:**

Adopt resolution approving the following actions:

1. Approve Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with Toll CA XX, LP;
3. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
4. Authorize the recordation of the Final Map and the Subdivision Improvements Agreement.

## Item # Report #

11 [16-576](#)**ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS FOR EDMUNDSON PARK - TRACT NO. 10135 AND PIAZZA PARK - TRACT NO. 10136****Recommendation:**

Adopt resolution:

1. Accepting the subdivision public improvements for Edmundson Park - Tract No. 10135 and Piazza Park - Tract No. 10136;
2. Authorizing the Public Works Director to sign a Notice of Completion; and
3. Directing the City Clerk to file the Notice of Completion with the Recorder of Santa Clara County.

## Item # Report #

12 [16-589](#)**ACCEPTANCE OF AQUATICS CENTER IRRIGATION DEMONSTRATION PROJECT****Recommendation:**

Adopt resolution:

1. Accepting the Aquatics Center Irrigation Demonstration Project in the final amount of \$46,282;
2. Authorizing the Community Services Director to sign the attached Notice of Completion; and
3. Directing the City Clerk to file the attached Notice of Completion with the County of Santa Clara's Recorder's Office.

## Item # Report #

13 [16-574](#)**AUTHORIZE THE PURCHASE OF A RESERVE FIRE ENGINE****Recommendation:**

Adopt resolution authorizing the City Manager to purchase one reserve fire engine from the South Santa Clara County Fire Protection District for \$25,000.

## Item # Report #

14 [16-525](#)**CENTENNIAL RECREATION CENTER FITNESS EQUIPMENT PURCHASE****Recommendation:**

Adopt resolution approving the purchase of fitness equipment and finding that a competitive bid would not likely result in a lower price pursuant to Morgan Hill Municipal Code Section 3.04.150 for equipment purchased under YMCA pricing, and delegating authority to the City Manager to execute documents to effect such purchase in an amount not to exceed \$83,000.

## Item # Report #

15 [16-588](#)**APPROVE THE AUGUST 5, 2016 CITY COUNCIL MID-YEAR GOAL REVIEW WORKSHOP MINUTES****Recommendation:**

Approve Minutes.

## Item # Report #

16 [16-585](#)**APPROVE THE JULY 27, 2016 REGULAR CITY COUNCIL MEETING MINUTES****Recommendation:**

Approve Minutes.

**OTHER BUSINESS:**

## Item # Report #

17 [16-103](#)**COUNCIL POLICY FOR COMMUNITY SIGNS AND COMMUNITY ACTIVITY SIGNS ON CITY PROPERTY****Recommendation:**

1. Approve amendment to Council Policy 15-01 to clarify the use and placement of community activity signs on city property; and  
2. Adopt Council Policy 15-02 that outlines the use and placement of community signs on city property.

**Estimated Time:**

15 Minutes

## Item # Report #

18 [16-505](#)**UPDATE ON REGIONAL MINIMUM WAGE EFFORTS****Recommendation:**

1. Accept a report on the Cities Association of Santa Clara County regional minimum wage discussion; and
2. Provide direction to staff on whether to move forward with developing an ordinance modeled after Cities Association of Santa Clara County adopted recommendation.

**Estimated Time:**

20 Minutes

## Item # Report #

19 [16-577](#)**DEVELOPMENT SERVICES REVIEW PRESENTATION AND RECOMMENDED UPGRADES TO ONE SENIOR PLANNER AND ONE SENIOR CIVIL ENGINEER POSITIONS****Recommendation:**

1. Receive the Development Services Review Report from Zucker Systems;
2. Affirm Creation of the Development Services Department and the Engineering and Utilities Department; and
3. Approve Planning Manager and Deputy Director of Engineering Position Reclassifications.

**Estimated Time:**

30 Minutes

**PUBLIC HEARINGS:**

## Item # Report #

20 [16-561](#)**EXPEDITED SOLAR PERMITTING ORDINANCE - AB 2188****Recommendation:**

1. Open/close public hearing;
2. Waive the first and second reading of the ordinance; and
3. Introduce the ordinance.

**Estimated Time:**

5 Minutes

## Item # Report #

21 [16-493](#)**APPROVAL OF 2015 URBAN WATER MANAGEMENT PLAN****Recommendation:**

1. Open/close public hearing; and
2. Adopt resolution adopting 2015 Urban Water Management Plan.

**Estimated Time:**

60 Minutes

**Item # Report #****22** [16-562](#)**ZONING AMENDMENT, ZA-16-01/ DEVELOPMENT AGREEMENT, DA2016-0005: CONDIT - MANA. APN 817-12-009 IS LOCATED ON THE NORTHWEST SIDE OF SAN PEDRO AVENUE AND MURPHY AVENUE; PRESIDIO - EVERGREEN, LLC****Recommendation:**

1. Open and close public hearing;
2. Waive the first and second reading of Zoning Amendment Ordinance;
3. Introduce Zoning Amendment Ordinance;
4. Waive first and second reading of Development Agreement Ordinance; and
5. Introduce Development Agreement Ordinance.

**Estimated Time:**

10 Minutes

**Item # Report #****23** [16-571](#)**ZONING AMENDMENT, ZA2016-0005: WALNUT GROVE - MORGAN HILL. APN'S 726-07-021;-023,-024 AND -089 ARE LOCATED ON THE EAST SIDE OF WALNUT GROVE DRIVE SOUTH OF DIANA AVENUE****Recommendation:**

1. Open and close public hearing;
2. Waive first and second reading of Zoning Amendment Ordinance; and
3. Introduce Zoning Amendment Ordinance.

**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 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](mailto: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](mailto: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**