



City of Morgan Hill

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, May 4, 2016

7:00 PM

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

CALL TO ORDER

The meeting was called to order at 7:00 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 spoke regarding his work with the Valley Transportation Authority (VTA). He shared that there is currently an effort between VTA, the Silicon Valley Leadership Group and others to look at the possibility of putting a sales tax for transportation on the November ballot. A 1/2 cent sales tax for 30 years is being considered which would raise just over \$6 billion for transportation in Santa Clara County for both road and transit projects. Here in Morgan Hill we would benefit by seeing the Hale Avenue extension funded and this measure would provide significantly more funding to the City of Morgan Hill for road improvements. The VTA Board of Directors will need to make a decision by the end of July as to whether they are going to put the measure on the November ballot. They will have a board meeting Thursday night, May 5th and again in June. Hopefully they will make the decision at the June meeting. If not they will need to call a special meeting in July to make that decision.

CITY MANAGER'S REPORT

City Manager Steve Rymer recognized Debbie Vasquez for her outstanding efforts in the areas of team work, innovation, meeting challenges, and customer service.

He continued by thanking the Community and Law Enforcement Foundation for their continued support of our Police Department, our community, and public safety.

He thanked the CRC members for their patience while the City has been replacing the treadmills at the CRC.

He concluded by speaking to the evening's supplements and presentations.

CITY ATTORNEY'S REPORT

Deputy City Attorney Leslie Jensen had no reports.

OTHER REPORTS

Mayor Tate shared that coming up on May 21st at the Senior Center in Gilroy, the Valley Transportation Authority will be looking for input regarding the transit needs of the community. On May 12th the Cities Association Dinner will hold its next dinner. The topic will be transportation. He encouraged his colleagues to attend. He will hold his next coffee with the Mayor on June 4th at Booksmart. Lastly he shared that on July 2nd we will welcome the Mayor of our sister city Mizuho Town with a ceremony at 10:30 at the Morgan Hill House.

PROCLAMATIONS

PROCLAIMING THE MONTH OF MAY AS OLDER AMERICANS MONTH
CRICKET RUBINO, DONNA WEISBLATT, MARILYN GADWAY AND DEBBIE VASQUEZ

PROCLAIMING THE MONTH OF MAY AS FOSTER CARE/RESOURCE PARENT MONTH
QUYEN VU, SANTA CLARA COUNTY SOCIAL SERVICES AGENCY AND
ROBYN DEQUINE, FOSTER PARENT

PUBLIC COMMENT

The public comment was opened at 7:14 p.m.

Brigitte Crawford was called to speak.

Hearing no further requests to speak, the public comment was closed.

ADOPTION OF AGENDA

Action: On a motion by Council Member Librers and seconded by Mayor Pro Tem Constantine adopting the agenda with the modification that items 13 and 14 will be taken together. 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 Carr and seconded by Mayor Pro Tem Constantine approving Consent Calendar items 1 through 11. The motion passed by the following vote:

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

Noes: 0

Absent: 0

- 1 [15-521](#) ACCEPT CROSSWALKS & RAPID FLASHING BEACONS PROJECT
- 2 [16-301](#) ACCEPTANCE OF 2015 SEWER POINT REPAIR AND LINING PROJECT
- 3 [16-305](#) ACCEPTANCE OF CIVIC CENTER WATER CONSERVATION DEMONSTRATION GARDEN PROJECT
- 4 [16-290](#) ADOPT RESOLUTION SUPPORTING TDA ARTICLE 3 GRANT FUNDING TO ADD GREEN BIKE STRIPING
- 5 [16-286](#) ANNUAL REPORT ON CENTENNIAL RECREATION CENTER OPERATIONS
- 6 [16-304](#) APPROVE THE APRIL 20, 2016 REGULAR CITY COUNCIL MEETING MINUTES
- 7 [16-281](#) AWARD THE CONTRACT FOR INVESTMENT ADVISORY SERVICES
- 8 [16-300](#) CITY POSITION ON PENDING STATE LEGISLATION

- 9 [16-299](#) FIRST AMENDMENT OF HOUSEHOLD HAZARDOUS WASTE CONTRACT WITH SANTA CLARA COUNTY
- 10 [16-105](#) PROFESSIONAL SERVICES AGREEMENT WITH HYDROSCIENCE ENGINEERS, INC. FOR THE SEWER TRUNK LINE FROM HIGHLAND AVENUE TO LAS ANIMAS AVENUE PROJECT
- 11 [16-302](#) RESOLUTION AUTHORIZING SUBMISSION OF FUNDING REQUEST TO RECYCLING PAYMENT PROGRAM

OTHER BUSINESS:

- 12 [16-308](#) APPOINTMENT OF CITY ATTORNEY

Mayor Tate introduced Don Larkin as the new City Attorney for the City of Morgan Hill.

Action: On a motion by Council Member Carr and seconded by Council Member Siebert appointing Donald Larkin as City Attorney for the City of Morgan Hill and adopting resolution 16-074 approving the Employment Agreement and authorizing the Mayor to execute the agreement on behalf of the City. The motion passed by the following vote:

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

Noes: 0

Absent: 0

- 13 [16-296](#) MARCH 2016 FINANCIAL AND INVESTMENT REPORT

Item 13 and 14 were presented together.

Assistant City Manager Christina Turner, Assistant Finance Director Dat Nguyen, and Budget Manager Monica Delgado presented the two year operating budget and six year capital improvement budget and the 3rd quarter Financial Report.

The public comment was opened at 7:45 p.m.

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

Report received.

No action taken.

- 14 [16-309](#) RECOMMENDED FY 2016-17 and 2017-18 OPERATING BUDGET AND FY 2016-17 THROUGH FY 2021-22 CAPITAL IMPROVEMENT PROGRAM BUDGET

Item 13 and 14 were presented together.

Report received.

No action taken.

15 [16-266](#) ANIMAL CONTROL SERVICES REPORT

Police Captain Shane Palsgrove presented the report.

The public comment was opened at 7:55 p.m.

Val Wood was called to speak.

Jenifer Lepow was called to speak.

Cynthia Stocker was called to speak.

Sandra Velichko was called to speak.

Ava Geddes was called to speak.

Hearing no further requests to speak, the public comment was closed.

The meeting was recessed at 8:08 p.m.

The meeting was reconvened at 8:17 p.m.

Report received.

No action taken.

16 [16-280](#) PUBLIC VS. PRIVATE STREETS POLICY

Public Works Director Karl Bjarke and Senior Civil Engineer Scott Creer presented the report.

The public comment was opened at 8:52 p.m.

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

Action: On a motion by Council Member Siebert and seconded by Mayor Pro Tem Constantine, directing staff that the standard for construction of private streets be subject to the City's municipal code. The motion passed by the following vote:

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

Noes: 0

Absent: 0

PUBLIC HEARINGS:**17 [16-291](#) ZONING AMENDMENT, ZA-14-19 AND DEVELOPMENT AGREEMENT, DA-14-08: MONTEREY - YOUNG**

Senior Planner Gina Paolini presented the report.

The public hearing was opened at 9:06 p.m.

Orville Power was called to speak. (presentation received)

Frances Nance was called to speak. (handout received)

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

Action: On a motion by Council Member Carr and seconded by Mayor Pro Tem Constantine, Waiving the First and Second Reading of Zoning Amendment Ordinance 2197. 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 Mayor Pro Tem Constantine, Introducing Zoning Amendment Ordinance 2197. 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, Waiving the First and Second Reading of Development Agreement Ordinance 2198 with the amendment that through the general plan zoning update restrict the remainder parcel to a maximum of 8 units. 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 2198. The motion passed by the following vote:

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

Noes: 0

Absent: 0

18 [16-282](#) AMENDMENT TO CHAPTER 5.64 - TOBACCO RETAILER'S LICENSE ORDINANCE

Assistant Finance Director Dat Nguyen presented the report.

The public hearing was opened at 9:37 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 Ordinance 2199. 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 Tobacco Retailer's Business License Amendment Ordinance 2199. The motion passed by the following vote:

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

Noes: 0

Absent: 0

FUTURE COUNCIL INITIATED AGENDA ITEMS:

None.

CLOSED SESSION

Deputy City Attorney Leslie Jensen read the closed sessions into the record.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 9:41 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 9:41 p.m.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Authority: Pursuant to Government Code Section 54956.9(d)(1))
Case Name: Jerry Neumayer v. City of Morgan Hill
Case Number: Workers Compensation Claim No: MHL 1400004, WCAB No: ADJ10003677
Attendees: City Manager, Deputy City Attorney, Human Resources Manager

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Authority: Pursuant to Government Code Section 54956.9(d)(1))
Case Name: Sarita Alanis v. City of Morgan Hill
Case Numbers: Workers Compensation Claim Nos: MHL1200012, MHL1500003
WCAB Nos: ADJ9908890, ADJ9824875
Attendees: City Manager, Deputy City Attorney, Human Resources Manager

RECONVENE

The meeting was reconvened at 9:59 p.m.

CLOSED SESSION ANNOUNCEMENT

Deputy City Attorney Leslie Jensen announced that there was no reportable action.

ADJOURNMENT

The meeting was adjourned at 9:59 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**