



**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, October 19, 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**

*(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. Alison Smith, et al.  
**Case Number:** Santa Clara County Superior Court Case No: 1-15-CV-279950  
**Attendees:** City Manager; City Attorney

**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**

**Mayor Pro Tem Constantine**

**CITY MANAGER'S REPORT**

Item # Report #

[16-718](#)

**QUARTERLY EMPLOYEE RECOGNITIONS**

New Hires

- Keri Russell- Maintenance Services Coordinator
- Sean Farrell- Police Officer
- Derek Bowman- Human Resources Assistant
- Jose Fabian Rios- Ovando - Utility Worker I
- Puriam Alanis- Ojeda- Utility Worker I
- Jesus Contreras- Accountant I
- Christie Thomas- Municipal Services Assistant
- Prisma Renteria- Accounting Assistant II
- Andrew Colton- Multi- Services Officer
- Erik Adams – Police Officer

Promotions

- Idalia Echegoyen- Public Safety Dispatcher Supervisor
- Ismael Montes- Maintenance Services Worker II
- Sergio Marquez- Maintenance Services Worker II
- Richard Guzman – Utility Worker II
- Yat Cho- Senior Project Manager
- Bobbi Stevensen- Membership Director (YMCA)
- Kolby Rousseu- Health and Wellness Director (YMCA)
- Jessica Redfield – Associate Executive Director (YMCA)
- Daniel Cardwell – Fire/ Building Inspector
- Scott Creer- Deputy Director for Engineering

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**RECOGNITION**

Recognizing the Jackson Oaks Homeowner's Association  
for becoming the County's first Firewise Community

**PRESENTATIONS**

Item # Report #

[16-699](#)

**YAC PRESENTATION - ASSET #2 - POSITIVE FAMILY  
COMMUNICATION**

**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 [16-671](#)**ACCEPT EL TORO FIRE STATION KITCHEN REMODEL PROJECT****Recommendation:**

Adopt resolution approving the following actions:

1. Accept as complete the El Toro Fire Station Kitchen Remodel Project in the final amount of \$53,539;
2. Authorize the Public Works Director to sign the attached Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

**Item # Report #**2 [16-689](#)**ACCEPTANCE OF COMMUNITY AND CULTURAL CENTER DEMONSTRATION PROJECT****Recommendation:**

Adopt resolution:

1. Accepting the Community and Cultural Center Demonstration Project in the final amount of \$253,705;
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 #****3** [16-692](#)**FINAL MAP APPROVAL FOR CONNEMARA PHASE 2 - TRACT NO. 10357****Recommendation:**

Adopt Resolution approving the following actions:

1. Approve Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with MH Connemara 2013 LLC;
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 #****4** [16-691](#)**FINAL MAP APPROVAL FOR THE COMMONS - TRACT NO. 10047****Recommendation:**

Adopt resolution approving the following actions:

1. Approve Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with Presidio Van Daele Monterey 12, LLC;
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 #****5** [16-639](#)**DOMESTIC VIOLENCE RESPONSE TEAM GRANT FUNDS FROM COMMUNITY SOLUTIONS****Recommendation:**

1. Adopt resolution accepting Grant Funds in the Amount of \$62,500 from Community Solutions for the Domestic Violence Response Team for Fiscal Year 2016/2017; and
2. Authorize City Manager to execute a Continuance Agreement and Second Amendment to the Operational Agreement with Community Solutions for Fiscal Year 2016/2017

## Item # Report #

6 [16-690](#)**CALRECYCLE GRANT APPLICATION****Recommendation:**

Adopt resolution authorizing the City Manager to apply for CalRecycle grants for City projects.

## Item # Report #

7 [16-674](#)**AWARD CO2 FOOD GRADE BULK SERVICE AGREEMENT****Recommendation:**

Adopt resolution approving the following actions:

1. Award a service agreement to NuCO2, Inc. for the delivery of CO2 to the Aquatics Center and Centennial Recreation Center and the rental of three 1,000 pound CO2 tanks in the amount of \$100,000; and
2. Authorize the City Manager to negotiate, execute and administer that certain service agreement with NuCO2, Inc subject to the review and approval of the City Attorney.

## Item # Report #

8 [16-696](#)**NBS GOVERNMENT FINANCE GROUP CONTRACT  
AMENDMENT FOR REVIEW OF FEES ASSOCIATED WITH  
DEVELOPMENT SERVICES ACTIVITIES****Recommendation:**

Adopt resolution:

1. Approving the contract amendment with NBS Government Finance Group; and
2. Amending the approved FY 2016/2017 budget to appropriate \$17,500 from Fund 206 (Community Development Fund).

## Item # Report #

9 [16-681](#)**FIRST AMENDMENT TO AGREEMENT WITH DAVID J.  
POWERS & ASSOCIATES****Recommendation:**

Adopt resolution approving:

1. First Amendment to Agreement with David J. Powers & Associates for up to \$107,660 for technical support services related to environmental review of the High Speed Rail project; and
2. Appropriating \$42,850 in General Fund expenditures for estimated consulting costs.

## Item # Report #

10 [16-673](#)**FIRST AMENDMENT TO BURR PLUMBING AND PUMPING,  
INC. AGREEMENT****Recommendation:**

Adopt resolution approving the First Amendment to the Maintenance Services Agreement with Burr Plumbing and Pumping, Inc.

## Item # Report #

11 [16-663](#)**AWARD CENTENNIAL RECREATION CENTER LOCKER  
ROOM TILE FLOOR PROJECT****Recommendation:**

Adopt resolution approving the following actions:

1. Approve project specifications;
2. Award contract to STB Stone, Inc. for the Centennial Recreation Center Locker Room Tile Floor Project in the amount of \$159,200;
3. Authorize the expenditure of construction contingency funds not to exceed \$15,920; and
4. Authorize the City Manager to execute and administer that certain construction contract with STB Stone, Inc.

## Item # Report #

12 [16-687](#)**CHANGE ORDER TO THE AQUATICS CENTER LOCKER  
ROOM AND FAMILY CHANGING ROOM EPOXY FLOORING  
WITH TERA-LITE, INC.****Recommendation:**

Adopt resolution:

1. Approving a Change Order with Tera-Lite, Inc. for the Aquatics Center Epoxy Floor Project in the amount of \$31,712 and a not-to-exceed amount of \$68,121 to provide additional preparation and sloping work;
2. Authorizing the City Manager to execute the Change Order to the Agreement with Tera-Lite, Inc. for the Aquatics Center Epoxy Project; and
3. Amending the Approved FY 2016/2017 Budget to appropriate \$31,712 from Fund 741 (Building Replacement Fund).

## Item # Report #

13 [16-683](#)**AUGUST 2016 FINANCIAL AND INVESTMENT REPORT****Recommendation:**

Accept and file report.

## Item # Report #

14 [16-697](#)

**TRANSITIONAL PROVISIONS OF RDCS AND GENERAL PLAN PIPELINE POLICY IMPLEMENTATION: CLARIFICATION OF INTENT TO APPLY GENERAL PLAN PIPELINE POLICY TO PENDING PROJECT; REQUEST TO DETERMINE THAT AWARDED RDCS ALLOTMENTS ARE PIPELINE PROJECTS SUCH THAT THE E. DUNNE-KYONO PROJECT, A 32-UNIT SINGLE-FAMILY ATTACHED RESIDENTIAL PROJECT IS A PRE-EXISTING PIPELINE PROJECT IN ACCORDANCE WITH THE 2035 GENERAL PLAN. THE PROPERTY IS LOCATED ON E. DUNNE AVENUE, EAST OF BUTTERFIELD BOULEVARD (APN 726-02-014)**

**Recommendation:**

Clarify the intent of the General Plan Pipeline policy and RDCS Transitional provisions to be used to determine that pending projects with awarded RDCS allotments, such that the E. Dunne-Kyono project, is a pre-existing pipeline project in accordance with the 2035 General Plan.

## Item # Report #

15 [16-656](#)

**ADOPT ORDINANCE 2218, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR THE SAN PEDRO-PRESIDIO RESIDENTIAL APARTMENT PROJECT LOCATED ON THE NORTHEAST SIDE OF SAN PEDRO AVENUE AND MURPHY AVENUE (APN: 817-12-006)**

**Recommendation:**

Waive the reading, adopt Ordinance No. 2218, 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 #

16 [16-657](#)

**ADOPT ORDINANCE 2219, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR A SINGLE CUSTOM LOT DEVELOPMENT PROJECT LOCATED ON PRICE DRIVE, WEST OF DEWITT AVENUE (APN: 773-08-081)**

**Recommendation:**

Waive the reading, adopt Ordinance No. 2219, 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 #

17 [16-658](#)**ADOPT ORDINANCE 2220, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION DA-16-007: DEWITT-MURRAY FOR A FOUR LOT SUBDIVISION PROPOSED ON THE SOUTHWEST CORNER OF DEWITT AVENUE AND PRICE DRIVE (APN: 773-08-064)****Recommendation:**

Waive the reading, adopt Ordinance No. 2220, 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 #

18 [16-703](#)**APPROVE THE SEPTEMBER 21, 2016 SPECIAL-REGULAR CITY COUNCIL MEETING MINUTES****Recommendation:**

Approve Minutes.

**OTHER BUSINESS:**

## Item # Report #

19 [16-694](#)**ACCEPTANCE OF RECOGNITION OF THE CITY OF MORGAN HILL INTO THE WORLD HEALTH ORGANIZATION GLOBAL NETWORK OF AGE-FRIENDLY CITIES AND COMMUNITIES AND SENIOR SERVICES UPDATE****Recommendation:**

1. Accept the recognition of the City of Morgan Hill into the World Health Organization Global Network of Age-friendly Cities and Communities; and
2. Accept the Senior Service programs and services update.

**Estimated Time:**

15 Minutes

## Item # Report #

20 [16-679](#)**APPROVED SITE REVIEW AND USE PERMIT MONTEREY-MCCRANIE: A THREE STORY, 10,000 SQUARE FOOT BUILDING WITH OUTDOOR SEATING AND LANDSCAPING AND USE PERMIT FOR A WINE BAR, AND RESTAURANT LOCATED ON THE SOUTHWEST CORNER OF 2ND STREET AND MONTEREY ROAD (APN 767-07-047)****Recommendation:**

Receive report on Planning Commission's action to approve a Conditional Use Permit and Architectural and Site Review.

**Estimated Time:**

15 Minutes

**PUBLIC HEARINGS:**

## Item # Report #

21 [16-661](#)

**AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) TO ADOPT BY REFERENCE, THE 2016 CALIFORNIA STATE BUILDING STANDARDS CODE KNOWN AND DESIGNATED AS CALIFORNIA CODE OF REGULATIONS, TITLE 24 AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND TO AMEND, DELETE AND ADD CERTAIN OTHER BUILDING AND CONSTRUCTION STANDARDS**

**Recommendation:**

1. Open/close the Public Hearing;
2. Waive the first and second reading of the Ordinance; and
3. Introduce the Ordinance.

**Estimated Time:**

15 Minutes

## Item # Report #

22 [16-677](#)

**ZONING AMENDMENT, ZA-13-07 AND DEVELOPMENT AGREEMENT, DA-13-05: W. DUNNE - GERA: A 14-LOT RESIDENTIAL DEVELOPMENT PROPOSED ON A 1.41 ACRE SITE LOCATED ON THE NORTH SIDE OF WEST DUNNE AVENUE, 115 FEET WEST OF THE MONTEREY ROAD AND DUNNE AVENUE INTERSECTION (APN'S 767-08-035 THROUGH 767-08-038)**

**Recommendation:**

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

**Estimated Time:**

20 Minutes

**OTHER BUSINESS:**

Item # Report #

23 [16-646](#)

**POTENTIAL CONSOLIDATION WITH THE FOOTHILL  
MUTUAL WATER COMPANY AND MECCHI WATER  
COMPANY**

**Recommendation:**

1. Receive report on current status of the Foothill Mutual Water Company and the Mecchi Water Company; and
2. Provide direction on whether or not to further investigate the consolidation of the Foothill Mutual Water Company and the Mecchi Water Company with the City's water utility system.

**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](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**