



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, June 1, 2016**

**6:30 PM**

**Council Chamber**

**17555 Peak Avenue**

**Morgan Hill, CA 95037**

---

**SPECIAL MEETING**

**6:30 P.M.**

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

**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. 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

**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** [16-351](#)**ACCEPT SIDEWALK REPLACEMENT PROJECT****Recommendation:**

Adopt resolution:

1. Appropriating \$13,977 from CIP # 519000-Pavement Rehabilitation Program Funds (308);
2. Accepting as complete the Sidewalk Replacement Project in the final amount of \$229,950.60;
3. Authorizing the Public Works Director to sign the attached Notice of Completion; and
4. Directing the City Clerk to file said Notice of Completion with the County Recorder's Office.

## Item # Report #

2 [16-394](#)

**ADOPT ORDINANCE 2200, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT (DAA-06-04 G: DIANA-SHERIMAR), A 117-UNIT RESIDENTIAL PROJECT LOCATED ON THE SOUTH SIDE OF DIANA AVENUE AND WEST RINGEL DRIVE, EAST OF MURPHY (APNS 728-20-01, 02, 03, 12, 37 & 38) EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR 22, FISCAL YEAR 2014-2015 BUILDING ALLOTMENTS FOR TWELVE MONTHS**

**Recommendation:**

Waive the reading, Adopt Ordinance No. 2200, 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 [16-395](#)

**ADOPT ORDINANCE 2201, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT (DAA-09-05C: COCHRANE -BORELLO), A 244 UNIT SINGLE FAMILY RESIDENTIAL PROJECT LOCATED NORTH OF HALF ROAD, WEST OF COCHRANE ROAD, EAST OF PEET ROAD (APN 728-34-008), EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATES FOR FISCAL YEARS 2013-14, AND 2015-16**

**Recommendation:**

Waive the reading, Adopt Ordinance No. 2201, 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 [16-396](#)

**ADOPT ORDINANCE 2202, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT (DAA-14-03: BUTTERFIELD-DIVIDEND), A 78 UNIT RESIDENTIAL PROJECT LOCATED ON THE NORTHWEST AND NORTHEAST CORNERS OF THE INTERSECTION OF BUTTERFIELD BOULEVARD AND CENTRAL AVENUE (APN 726-26-005) EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR 41, FISCAL YEAR 2015-2016 BUILDING ALLOTMENTS AND INCORPORATING 37, FISCAL YEAR 2017-2018 ALLOTMENTS AND CORRESPONDING DEVELOPMENT COMMITMENTS FROM MC 15-15: BUTTERFIELD-MH BUTTERFIELD INVESTORS**

**Recommendation:**

Waive the reading, Adopt Ordinance No. 2202, 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 [16-397](#)

**ADOPT ORDINANCE 2203, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING TITLE 18, DIVISION I, ZONING CODE TO AMEND CHAPTER 18.04 "DEFINITIONS", AMEND CHAPTER 18.14 - R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT, SECTION 18.14.040-CONDITIONAL USES, AMEND CHAPTER 18.16 - R-3 MEDIUM-DENSITY RESIDENTIAL DISTRICT, SECTION 18.16.040-CONDITIONAL USES, AMEND CHAPTER 18.17 - R-4 HIGH-DENSITY RESIDENTIAL DISTRICT, SECTION 18.17.040-CONDITIONAL USES, AMEND CHAPTER 18.19- PUBLIC FACILITIES DISTRICT, SECTION 18.19.030-CONDITIONAL USES, AMEND CHAPTER 18.20-CN NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 18.20.030-CONDITIONAL USES, AMEND CHAPTER 18.22-CG GENERAL COMMERCIAL DISTRICT, SECTION 18.22.030-CONDITIONAL USES, AMEND CHAPTER 18.24 CC-R CENTRAL COMMERCIAL/RESIDENTIAL DISTRICT, SECTION 18.24.070-CONDITIONAL USES, AMEND CHAPTER 18.25 - CL-R LIGHT COMMERCIAL/RESIDENTIAL DISTRICT, SECTION 18.25.030-CONDITIONAL USES, OF THE MORGAN HILL MUNICIPAL CODE**

**Recommendation:**

Waive the reading, Adopt Ordinance No. 2203, 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 #

6 [16-390](#)

**APRIL 2016 FINANCIAL AND INVESTMENT REPORT**

**Recommendation:**

Accept and file report.

## Item # Report #

7 [16-364](#)

**CALL FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016**

**Recommendation:**

1. Adopt resolution Calling for a General Municipal Election to be held on Tuesday, November 8, 2016 to elect a Mayor, two City Council Members, a City Clerk, and a City Treasurer; and
2. Adopt resolution Requesting the Services of the Board of Supervisors of the County of Santa Clara and the Registrar of Voters' Office - for the Consolidation of the Election.

## Item # Report #

8 [16-389](#)**FIRST AMENDMENT TO AGREEMENT WITH FIRATO SERVICE COMPANY**

**Recommendation:** Adopt resolution approving the first amendment to the agreement with Firato Service Company.

## Item # Report #

9 [16-326](#)**FOURTH AMENDMENT TO THE CRC PARTNERSHIP AGREEMENT**

**Recommendation:** Adopt resolution authorizing the City Manager to execute a fourth amendment to the Community Recreation Center Partnership Operating Agreement.

## Item # Report #

10 [16-377](#)**MONTEREY ROAD UTILITY UNDERGROUND - CONTRACT**

**Recommendation:** Adopt resolution approving the following actions;

1. Approve a Deductive Change Order in the amount of (\$177,684) to reflect amended work scope; and
2. Appropriate \$300,000 from Fund 346 to Project #512093 for PG&E work contingency.

## Item # Report #

11 [16-383](#)**REBUILD TOGETHER HOME REPAIR PROGRAM**

**Recommendation:** Adopt resolution authorizing the City Manager to enter into an agreement with Rebuilding Together for the implementation of a Senior Rehabilitation/Home Repair and Blight Busters Program.

**PUBLIC HEARINGS:**

## Item # Report #

12 [16-398](#)**PUBLIC HEARING FOR THE FY 2016-17 AND 2017-18 RECOMMENDED OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGETS**

**Recommendation:** 1. Open and close public hearing; and  
2. Provide direction to staff.

**Estimated Time:** 20 Minutes

## Item # Report #

13 [16-374](#)

**ORDINANCE ADDING A NEW CHAPTER 15.23 (BELOW MARKET RATE (BMR) PROGRAM ADMINISTRATION) TO TITLE 15 (HOUSING CODE) OF THE MORGAN HILL MUNICIPAL CODE, ADDING 15.23.10 PURPOSE, 15.23.20 DEFINITIONS, 15.23.30 APPLICABILITY, 15.23.40 DUTIES OF PROGRAM ADMINISTRATOR, 15.23.50 OCCUPANCY AND SALE RESTRICTIONS, 15.23.60 AFFORDABLE HOUSING AGREEMENT, 15.23.70 APPROVED PROGRAM PARTICIPANTS AND VENDORS, 15.23.80 DEFAULT, FORCLOSURE, LOSS OF UNIT, 15.23.90 ANNUAL REPORT, AND 15.23.95 ENFORCEMENT**

**Recommendation:**

1. Open/Close Public Hearing;
2. Waive the First and Second Reading of the Ordinance; and
3. Introduce Ordinance.

**Estimated Time:**

5 Minutes

**OTHER BUSINESS:**

## Item # Report #

14 [16-344](#)

**UPDATE ON COMMUNITY QUALITY OF LIFE SERVICE PRIORITIES ENGAGEMENT PROCESS**

**Recommendation:**

Receive report.

**Estimated Time:**

20 Minutes



## Item # Report #

15 [16-387](#)**CALIFORNIA HIGH SPEED RAIL AUTHORITY (CHSRA)  
REIMBURSEMENT AGREEMENT AND RELATED ACTIONS****Recommendation:**

1. Receive presentation by High Speed Rail Staff regarding status of project;
2. Adopt resolution reaffirming the City of Morgan Hill's position that Highway 101 is the preferred alignment for High Speed Rail (HSR) through Morgan Hill;
3. Adopt resolution:
  - a. Approving a Consultant Agreement with David J. Powers and Associates for technical support services related to environmental review of High Speed Rail, including a budget amendment of \$64,810;
  - b. Directing the City Manager to negotiate and enter into a Reimbursement Agreement with the California High Speed Rail Authority in substantially the same form as the Agreement attached to the report for reimbursement of staff time and consultant work related to the City's review of the High Speed Rail project;
  - c. Directing the City Manager to negotiate and enter into a Consultant Agreement with Apex Strategies for policy and advocacy support with regional and state agencies regarding High Speed Retail project and other regional transportation initiatives, including a budget amendment of \$97,125; and
4. Direct Morgan Hill team to coordinate a group of cities and governmental entities to advocate for South County-related regional issues associated with High Speed Rail and other regional transportation initiatives.

**Estimated Time:** 45 Minutes

## Item # Report #

16 [16-385](#)**LEASE WITH OPTION TO PURCHASE OF LAND FOR  
FUTURE PARKING AND RECREATION FACILITIES****Recommendation:**

Adopt resolution authorizing the City Manager to execute all documents, agreements and payments necessary to enter into a lease with option to purchase for ten acres of land for future sports and recreation facilities and related purposes.

**Estimated Time:** 10 Minutes

**Item # Report #**17 [16-392](#)**MUNICIPAL CODE AMENDMENT (ZA-16-04: STREET TREES) AN AMENDMENT TO TITLE 12, CHAPTER 12.23 RESTRICTIONS ON REMOVAL OF SIGNIFICANT TREES TO ADD SEPARATE SPECIFIC PROVISIONS FOR THE REPLACEMENT OF STREET TREES****Recommendation:**

1. Open/Close Public Hearing;
2. Waive the First and Second Reading of the Ordinance; and
3. Introduce Ordinance.

**Estimated Time:**

15 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**