



## **Special - Regular Meeting Agenda**

### **City Council**

***Steve Tate ~ Mayor***

***Larry Carr ~ Mayor Pro Tem***

***Rene Spring ~ Council Member***

***Rich Constantine ~ Council Member***

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**Wednesday, December 7, 2016**

**6:30 PM**

**Council Chamber**

**17555 Peak Avenue**

**Morgan Hill, CA 95037**

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### **SPECIAL/REGULAR MEETING**

A Special Meeting of the City Council was 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: Yong Sohn, MD v. City of Morgan Hill, et al.  
Case Number: Santa Clara County Superior Court Case No: 1-14-CV-273626

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to: Government Code Section 54956.8  
Property: APNs 773-06-016 and 773-06-015, 905 West Main Avenue  
Negotiating Parties:  
City: Steve Rymer and Chris Ghione  
Property Owner(s): Pravettoni & Hinds  
Under Negotiation: Price and Terms of Payment

**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 Carr

**RECOGNITION OF SERVICE**

City Council Member Gordon Siebert  
City Treasurer Michael Roorda

**CITY MANAGER'S REPORT**

Peak Performance Recognitions

Employee of the Year

Richard Guzman

Hilary Holeman

Customer Service

Mindy Zen

Innovation

Nicole Yates

Professional Growth

Daniel Cardwell

Meeting Challenges

John Baty

Steve Golden

Teamwork

Charlie Ha

Nichole Martin

Fist Bump

Josh Grant

Dedication + Service

Derek Bowman

Jenna Luna

Jesus Contreras

Dealer of Debits and Credits

Gina Nazareno

Mission Possible

Jennie Tucker

Extra (S)mile

Erica Corona

Couldn't Have Done It Without You

Ken DeLuna

**CITY ATTORNEY'S REPORT****OTHER REPORTS****Item # Report #**[16-849](#)**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** [16-619](#)**ACCEPT DRILLING OF FOUR WATER SUPPLY WELLS PROJECT****Recommendation:**

Adopt resolution approving the following actions:

1. Accept as complete the Drilling of Four Water Supply Wells Project in the final amount of \$1,598,487.50;
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 [16-779](#)**AWARD SERVICE AGREEMENT FOR DESIGN PROFESSIONALS FOR THE HALE AVENUE PLAN LINE PROJECT****Recommendation:**

Adopt resolution authorizing the City Manager to execute a Service Agreement for Design Professionals with MH Engineering Company for \$41,120 to provide engineering and surveying services to complete the Hale Avenue Plan Line project.

## Item # Report #

3 [16-786](#)**AWARD CONSULTANT AGREEMENT FOR RIGHT OF WAY ACQUISITION SERVICES FOR THE HALE AVENUE EXTENSION PROJECT****Recommendation:**

Adopt resolution authorizing the City Manager to execute a Consultant Agreement with Associated Right of Way Services for \$70,000 to provide property acquisition services for the Hale Avenue Extension project.

## Item # Report #

4 [16-791](#)**AWARD OF POLICE FACILITY CARPET REPLACEMENT PROJECT****Recommendation:**

1. Award Agreement for the completion of the Police Facility Carpet Replacement Project for an amount not to exceed \$89,000 to G&S Carpet Mills Inc.;
2. Approve project plans and specifications; and
3. Authorize the City Manager to sign the contract.

## Item # Report #

5 [16-792](#)**AWARD OF LANDSCAPING MAINTENANCE AGREEMENT FOR GROUP 5****Recommendation:**

- Adopt resolution approving the following actions:
1. Award maintenance service agreement to Mike Davis Landscape Services for the southern assessment district's landscape maintenance services (Group 5) in the amount of \$120,000; and
  2. Authorize the City Manager to execute and administer that certain maintenance service agreement with Mike Davis Landscape Services.

## Item # Report #

6 [16-764](#)**DAVID J. POWERS AND ASSOCIATES, INC. - MASTER ENVIRONMENTAL CONSULTING CONTRACT**

**Recommendation:** Approve contract with David J. Powers and Associates, Inc. for environmental consulting.

## Item # Report #

7 [16-785](#)**SUBORDINATION AGREEMENT FOR CITY'S CONTRIBUTION TO SILICON VALLEY CLEAN ENERGY AUTHORITY (SVCE)**

**Recommendation:** Authorize the City Manager to execute a subordination agreement with River City Bank related to the City's participation in the SVCE.

## Item # Report #

8 [16-803](#)**FIRST AMENDMENT TO CONSULTANT AGREEMENT WITH NYANDA AND ASSOCIATES LLC, DBA HOUSEKEYS TO EXTEND EXISTING BMR ADMINISTRATION AGREEMENT AND ADD CITY HOUSING RELATED LOAN ADMINISTRATION SERVICES**

**Recommendation:**

1. Approve contract amendment for consultant services to:
  - a. Extend the term of the existing agreement for BMR administration services through June 30, 2018, increasing the compensation by \$500,000 for FY 17-18; and
  - b. Add loan administration services to the scope of work for FY 16-17 and 17-18, increasing the compensation by \$50,000 for such additional services; and
2. Authorize the City Manager to execute and administer such amendment.

## Item # Report #

9 [16-801](#)**SECOND AMENDMENT TO CONSULTANT AGREEMENT WITH KEYSER MARSTON ASSOCIATES, INC. (KMA) FOR BELOW MARKET RATE (BMR) HOUSING IN-LIEU FEE RECOMMENDATIONS**

**Recommendation:**

1. Approve the second amendment to agreement for consultant services in an amount not to exceed \$52,000; and
2. Authorize the City Manager to execute and administer the second amendment.

Michelle Wilson, Deputy City Clerk.

## Item # Report #

10 [16-799](#)**SECOND AMENDMENT TO CONSULTANT AGREEMENT  
WITH STROMBOTNE LAW FIRM FOR HOUSING RELATED  
LEGAL SERVICES****Recommendation:**

1. Approve contract amendment for legal services in an amount not to exceed \$345,000; and
2. Authorize the City Manager to execute and administer such contract.

## Item # Report #

11 [16-793](#)**FIFTH AMENDMENT TO THE CRC PARTNERSHIP  
AGREEMENT****Recommendation:**

Adopt resolution authorizing the City Manager to execute a fifth amendment to the Community Recreation Center Partnership Operating Agreement with the YMCA of Silicon Valley.

## Item # Report #

12 [16-800](#)**COMPLIANCE WITH SURPLUS LAND ACT (AB 2135) AND  
"ONE BAY AREA" GRANT (OBAG) FUNDING****Recommendation:**

Adopt resolution demonstrating compliance with the Surplus Land Act (AB 2135).

## Item # Report #

13 [16-810](#)**UPDATE ON 2016 BALLOT MEASURES****Recommendation:**

1. Receive an update on 2016 regional and state ballot measures; and
2. Schedule a follow-up Council workshop to discuss related policy items for January 18, 2017.

## Item # Report #

14 [16-815](#)**COUNCIL SUPPORT OF PROPOSED SANTA CLARA  
COUNTY DESIGNATION AS A NATIONAL HERITAGE AREA****Recommendation:**

Adopt resolution stating Council support of the proposed Santa Clara County designation as a National Heritage Area.

## Item # Report #

15 [16-809](#)**2017 SILICON VALLEY CLEAN ENERGY AUTHORITY  
(SVCE) ENROLLMENT AND UPGRADE TO 100%  
RENEWABLE ENERGY****Recommendation:**

Direct SVCE to upgrade the City's electricity accounts to GreenPrime service, upon service launch in April 2017.

## Item # Report #

16 [16-776](#)**2017 HAZARDOUS VEGETATION PROGRAM****Recommendation:**

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing on February 1, 2017.

## Item # Report #

17 [16-784](#)**RESIGNATION OF PLANNING COMMISSIONER RENE SPRING****Recommendation:**

1. Accept the resignation of Planning Commissioner Rene Spring; effective immediately; and
2. Direct the City Clerk to complete recruitment efforts to fill the vacancy.

## Item # Report #

18 [16-788](#)**APPOINTMENT TO THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY'S BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE****Recommendation:**

1. Adopt resolution requesting the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) appoint Parks & Recreation Commissioner Bill Haskell to the Bicycle and Pedestrian Advisory Committee (BPAC); and
2. Direct the City Clerk's office to send correspondence and the adopted resolution to the VTA Board of Directors, requesting that they appoint Commissioner Haskell as the City of Morgan Hill representative to the BPAC.

**OTHER BUSINESS:**

## Item # Report #

19 [16-795](#)**EL TORO TRAIL ACCESS AND PARTNERSHIP OPPORTUNITY FOR LAND ACQUISITION WITH THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY****Recommendation:**

1. Receive an update on the status of development of the El Toro trail system; and
2. Adopt resolution authorizing the City Manager to enter into an acquisition funding agreement with the Santa Clara Valley Open Space Authority for the acquisition of property for future open space preservation and public trail access.

**Estimated Time:**

45 Minutes



## Item # Report #

20 [16-794](#)**ADOPT MITIGATED NEGATIVE DECLARATION FOR  
DOWNTOWN CREEK PARK****Recommendation:**

1. Open/close the Public Hearing
2. Adopt resolution adopting a Mitigated Negative Declaration (MND) and related Mitigation Monitoring and Reporting Program (MMRP) for the Downtown Creek Park.

**Estimated Time:**

10 Minutes

## Item # Report #

21 [16-802](#)**SETTLEMENT AND RELEASE OF BELOW MARKET RATE  
REQUIREMENTS FOR MONTEREY DYNASTY LLC -  
DIAMOND CREEK PROJECT****Recommendation:**

1. Accept a housing in-lieu payment of \$2,750,000 from Monterey Dynasty LLC, as satisfaction of the outstanding Residential Development Control System (RDCS) Below Market Rate (BMR) commitment to provide 13 units within the Diamond Creek project; and
2. Authorize the City Manager to take actions needed, including the execution of a settlement agreement, to complete the proposed transaction:

**Estimated Time:**

15 Minutes

## Item # Report #

22 [16-806](#)**UPDATE ON CITY'S UNFUNDED LIABILITIES****Recommendation:**

Accept report on the City's unfunded liabilities.

**Estimated Time:**

15 Minutes

## Item # Report #

23 [16-781](#)**APPROVE THE USE OF ELECTRONIC FILING FOR  
CAMPAIGN FINANCE DISCLOSURE STATEMENTS****Recommendation:**

1. Open the public comment;
2. Waive the first and second reading of the ordinance; and
3. Introduce the ordinance adding Section 1.16.040 (Electronic Filing of Campaign Statements) to Chapter 1.16 (Elections) of the Morgan Hill Municipal Code.

**Estimated Time:**

10 Minutes

**Item # Report #****24** [16-775](#)**RESPONSE TO STATE HIGHWAY 101 CONGESTION****Recommendation:**

1. Receive freeway congestion along State Highway 101 in south Santa Clara County report; and
2. Continue discussion on this item at the City Council's annual goal setting workshop.

**Estimated Time:**

15 Minutes

**Item # Report #****25** [16-818](#)**RESIGNATION OF CITY COUNCIL MEMBER GORDON SIEBERT****Recommendation:**

Accept the resignation of City Council Member Gordon Siebert effective December 8, 2016.

**Estimated Time:**

5 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**