



CITY OF MORGAN HILL

Special Meeting Agenda

City Council

Steve Tate ~ Mayor

Larry Carr ~ Mayor Pro Tem

Rene Spring ~ Council Member

Rich Constantine ~ Council Member

**Wednesday, December 14, 2016
7:00 PM**

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

SPECIAL

A Special Meeting of the City Council is called at 7:00 p.m. for the purpose of conducting City business.

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)

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Mayor Pro Tem Constantine

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PRESENTATION

Item # Report #

[16-836](#)**YAC PRESENTATION- ASSET # 1- FAMILY SUPPORT****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**OTHER BUSINESS:**

Item # Report #

1 [16-833](#)**NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION -
CERTIFIED STATEMENT OF ELECTION RESULTS**

Recommendation: Adopt resolution reciting the facts of the general municipal election of November 8, 2016 and declaring the results of such other matters as provided by law.

Estimated Time: 15 Minutes

OATHS OF OFFICE

Mayor-Elect Steve Tate
Council Member-Elect Larry Carr
Council Member-Elect Rene Spring
City Treasurer - Elect David Clink

ELECTED OFFICIALS ASSUME THEIR SEATS ON THE DAIS**ADJOURN TO RECEPTION**

Welcoming Elected Officials

RECONVENE

OTHER BUSINESS CONTINUED:**Item # Report #**

- 2 [16-592](#) **SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE
AND AMENDMENT TO SELECTION OF MAYOR PRO
TEMPORE COUNCIL POLICY**

Recommendation: 1. Open floor to nomination(s) for Mayor Pro Tempore;
2. Adopt resolution selecting a Council Member to serve as Mayor Pro Tempore per City Council Policy; and
3. Approve an amendment to Council Policy CP-99-01 to remove references to the Redevelopment Agency.

Estimated Time: 5 Minutes

Item # Report #

- 3 [16-790](#) **OPTIONS TO FILL THE CITY COUNCIL VACANCY**

Recommendation: 1. Discuss the options for filling the City Council vacancy; and
2. Provide direction to staff on how to proceed.

Estimated Time: 20 Minutes

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 #

- 4 [16-839](#) **CITY COUNCIL STATEMENT OF SUPPORT AND
ASSURANCE**

Recommendation: Affirm the City Council's Statement of Support and Assurance to the community.

Item # Report #

- 5 [16-829](#) **OCTOBER 2016 FINANCIAL AND INVESTMENT REPORT**

Recommendation: Accept and file report.

Item # Report #

- 6 [16-825](#) **SEVENTH SEMI-ANNUAL REPORT ON POST-ISSUANCE
COMPLIANCE FOR TAX ADVANTAGED BONDS**

Recommendation: Receive report.

Item # Report

7 [16-832](#)**CALIFORNIA HIGH SPEED RAIL AUTHORITY (HSR)
UPDATE****Recommendation:** Receive documents and correspondence.

Item # Report

8 [16-763](#)**MEMORANDUM OF UNDERSTANDING FOR 2016
EMERGENCY MANAGEMENT PERFORMANCE GRANT AND
BUDGET AMENDMENT FOR A DISASTER RESPONSE
TRAILER, EQUIPMENT FOR TRAILER, LAPTOPS, AND
FEES FOR THE CALIFORNIA EMERGENCY SERVICES
ASSOCIATION (CESA) CONFERENCE****Recommendation:** 1. Adopt resolution authorizing the City Manager to execute the Memorandum of Understanding with the County of Santa Clara for the 2016 Emergency Management Performance Grant (EPMG); and
2. Recognize grant revenue in an amount of \$21,300 recently made available to the City and appropriate funds for the purchase of a disaster response trailer and equipment, the purchase of eight laptops for the Emergency Operations Center, and payment of conference fees.

Item # Report

9 [16-826](#)**ADOPT ORDINANCE 2225, NEW SERIES, AN ORDINANCE
OF THE CITY OF MORGAN HILL ADDING SECTION 1.16.040
(ELECTRONIC FILING OF CAMPAIGN STATEMENTS) TO
CHAPTER 1.16 (ELECTIONS) OF THE MUNICIPAL CODE OF
THE CITY OF MORGAN HILL APPROVING THE USE OF
ELECTRONIC FILING OF CAMPAIGN STATEMENTS****Recommendation:** Waive the reading, adopt Ordinance No. 2225, 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

10 [16-838](#)**APPROVE THE NOVEMBER 16, 2016 SPECIAL-REGULAR
CITY COUNCIL MEETING MINUTES****Recommendation:** Approve Minutes.

Item # Report #11 [16-837](#)**APPROVE THE DECEMBER 7, 2016 SPECIAL-REGULAR CITY COUNCIL MEETING MINUTES****Recommendation:** Approve Minutes.**OTHER BUSINESS CONTINUED:****Item # Report #**12 [16-805](#)**COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2016****Recommendation:** Accept the City's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016.**Estimated Time:** 10 Minutes**Item # Report #**13 [16-737](#)**BELOW MARKET RATE (BMR) HOUSING IN-LIEU FEE RECOMMENDATIONS****Recommendation:**

1. Receive the Keyser Marston & Associates (KMA) Report entitled "Draft Analysis of Morgan Hill's BMR Program," dated November 29, 2016;
2. Provide direction to staff to return with an Ordinance that:
 - A. Institutes a \$12.92 housing in-lieu fee (based on 8% affordability provision), per square foot of livable space of the entire project, effective with the FY 2019/20 Residential Development Control System (RDSCS) competition year;
 - B. Maintains the existing .5 fractional threshold for payment of fee vs. providing the unit on site; and
3. Institute a below market rate (BMR) minimum size.

Estimated Time: 45 Minutes

Item # Report #14 [16-812](#)**RECEIVE REPORT FOR SCHOOL USE ON THE PROPERTY LOCATED ON THE EAST SIDE OF JUAN HERNANDEZ DRIVE, SOUTH OF BARRETT AVENUE (APNS 817-09-039, 040, AND 141) WITHIN THE SERVICE COMMERCIAL-PLANNED DEVELOPMENT (CS-PD) ZONING DISTRICT****Recommendation:**

1. Receive report on Planning Commission's determination on the establishment of a school use at a site located at Juan Hernandez Drive; and
2. Direct staff to prepare an amendment to the Planned Development Ordinance for future City Council consideration.

Estimated Time:

10 Minutes

PUBLIC HEARINGS:**Item # Report #**15 [16-595](#)**ZONING AMENDMENT (ZA2016-0007: CITY OF MORGAN HILL-MEDICAL OFFICE AND CLINICS): AN AMENDMENT TO TITLE 18, DIVISION 1, ZONING CODE TO AMEND CHAPTER 18.04 "DEFINITIONS", AMEND CHAPTER 18.20 CN NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 18.20.020 PERMITTED USES, AMEND CHAPTER 18.22 CG GENERAL COMMERCIAL DISTRICT, SECTION 18.22.020 PERMITTED USES OF THE MORGAN HILL MUNICIPAL CODE****Recommendation:**

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

Estimated Time:

5 Minutes

Item # Report

16 [16-808](#)**DEVELOPMENT AGREEMENT, DA2016-0008: WALNUT GROVE-NEWLAND HOMES: REQUEST FOR FIVE RESIDENTIAL BUILDING ALLOTMENTS FOR FISCAL YEAR 2017/18 LOCATED AT THE EAST SIDE OF WALNUT GROVE, SOUTH OF DIANA AVENUE (APN(S) 726-07-089, -023 AND -024)****Recommendation:**

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

Estimated Time:

10 Minutes

Item # Report

17 [16-807](#)**DEVELOPMENT AGREEMENT AMENDMENT, DAA 14-10 (AAE2016-0003): E. DUNNE - BUSK: REQUEST FOR A SIX MONTH EXTENSION TO A COMMENCEMENT OF CONSTRUCTION DATE WITHIN AN APPROVED DEVELOPMENT AGREEMENT FOR A 14-UNIT SINGLE FAMILY PROJECT LOCATED ON THE SOUTH EAST CORNER OF THE INTERSECTION OF EAST DUNNE AVENUE AND MURPHY AVENUE (APN 817-19-044)****Recommendation:**

1. Open/close public hearing; and
2. Adopt resolution denying extension request;
OR
1. Waive the first and second reading of Development Agreement Amendment Ordinance; and
2. Introduce Development Agreement Amendment Ordinance.

Estimated Time:

15 Minutes

Item # Report

18 [16-819](#)

**APPEAL (AAE2016-006) OF PLANNING COMMISSION
EVALUATION OF RESIDENTIAL CONTROL SYSTEM (RDCS)
APPLICATION RDCS2016-0017:
MURPHY-PRESIDIO-EVERGREEN: APPLICATION FOR 74
CONDOMINIUM UNITS LOCATED AT THE NORTHWEST
CORNER OF SAN PEDRO AVENUE AND MURPHY AVENUE
(APN 817-12-009)**

Recommendation:

1. Consider appeal; and
2. If Council decides to grant the appeal, adopt resolution granting the appeal, and revising the final project score for RDCS2016-0017: Murphy-Presidio-Evergreen for the 2016 RDCS competition.

Estimated Time:

15 Minutes

Item # Report

19 [16-816](#)

**APPEAL (AAE2016-005) OF PLANNING COMMISSION'S
EVALUATION OF RESIDENTIAL CONTROL SYSTEM (RDCS)
APPLICATION RDCS2016-0018:
CONDIT-PRESIDIO-EVERGREEN: APPLICATION FOR A 182
UNIT MULTI-FAMILY RENTAL DEVELOPMENT PROJECT
LOCATED AT THE NORTHEAST CORNER OF SAN PEDRO
AVENUE AND CONDIT AVENUE. (APN 817-12-006)**

Recommendation:

1. Consider appeal; and
2. If Council decides to grant the appeal, adopt resolution granting the appeal, and revising the final project score for RDCS2016-0018:Condit-Presidio-Evergreen for the 2016 RDCS competition.

Estimated Time:

15 Minutes

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

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.

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**