



## **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, January 18, 2017**

**5:30 PM**

**Council Chamber**

**17555 Peak Avenue**

**Morgan Hill, CA 95037**

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### **SPECIAL/REGULAR MEETING**

A Special Meeting of the City Council has been called at 5:30 p.m. for the purpose of conducting commission interviews and a closed session.

#### **SPECIAL MEETING**

**5:30 P.M.**

#### **TELECONFERENCE**

Council Member Rene Spring will be participating in the special/regular meeting via teleconference as follows:

Council Member Rene Spring  
Hyatt Regency Sacramento  
1209 L Street  
Sacramento, CA 95814

Public comment from the Sacramento location shall be allowed.

#### **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)*

**PLANNING COMMISSION INTERVIEWS**

Item # Report #

1 [17-021](#) **INTERVIEWS TO FILL ONE (1) VACANCY ON THE  
PLANNING COMMISSION**

**Recommendation:** 1. Discuss the characteristics/traits Council is seeking in candidates to serve on the Planning Commission;  
2. Conduct interviews; and  
3. Council to identify top candidates and provide recommendation to the Mayor.

**Estimated Time:** 90 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)

**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

Authority: Pursuant to Government Code Section 54956.9(d)(1)  
Case Name: The Bank of New York Mellon v. City of Morgan Hill, et al.  
Case Number: Santa Clara County Superior Court Case No: 1-15-CV-279257

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Authority: Government Code 54957(b)(1)  
Title: City Manager

**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 Tate

**CITY MANAGER'S REPORT**

Quarterly Teammate Recognitions

New Hires

John Pipkin- Sr. Public Works Inspector  
Terry De Leeuw – Utility Worker I

Promotions

Eric Blomquist- Building Official  
Nicole Yates- Public Safety Dispatcher

Retirements

Karen Nelson

Mark Forry

Teresa Crue

Ken De Luna

Jay Jaso

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PRESENTATIONS**

Item # Report #

[17-025](#)

**YAC PRESENTATION- ASSET # 14- ADULT ROLE MODELS**

**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 #

2 [17-028](#)**INTERVIEWS TO FILL A VACANCY ON THE CITY COUNCIL****Recommendation:****RECOMMENDATION(S):**

1. Interview Mariana Solomon;
2. Determine final list of second round interview candidates;
3. Determine second round interview process;
4. Conduct second round interviews;
5. Appoint candidate to fill the City Council vacancy for the remainder of the term, December 2018; and
6. Schedule swearing in of new Council Member for 5pm January 25, 2017.

**Estimated Time:** 120 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 #

3 [16-842](#)

**ACCEPTANCE OF CENTENNIAL RECREATION CENTER  
LOCKER ROOM TILE FLOOR PROJECT**

**Recommendation:**

Adopt resolution approving the following actions:

1. Accept the Centennial Recreation Center Locker Room Tile Floor Project in the final amount of \$159,200; and
2. Direct the City Clerk to file the attached Notice of Completion with the County of Santa Clara's Recorder's Office.

## Item # Report #

4 [16-858](#)**ACCEPTANCE OF 2015 PAVEMENT RESURFACING PROJECT****Recommendation:**

Adopt resolution approving the following actions:

1. Accept 2015 Pavement Resurfacing Project; and
2. Direct City Clerk to file the attached Notice of Completion with the County of Santa Clara's Recorder's Office.

## Item # Report #

5 [17-005](#)**ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS FOR WALNUT GROVE - TRACT NO. 10134****Recommendation:**

Adopt resolution:

1. Accepting the subdivision public improvements for Walnut Grove - Tract No. 10134; and
2. Directing the City Clerk to file a Notice of Completion with the Recorder of Santa Clara County.

## Item # Report #

6 [17-018](#)**APPROVE FIRST AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT WITH HARRIS & ASSOCIATES FOR LAND DEVELOPMENT REVIEW****Recommendation:**

Adopt resolution:

1. Approving an amendment to the City's fiscal year 2016-2017 annual budget in the Community Development Fund (Fund 206) to appropriate \$25,000; and
2. Approve and authorize the City Manager to execute a First Amendment to the Agreement with Harris & Associates for Development Review Services for a revised not-to-exceed fee of \$65,000.

## Item # Report #

7 [17-019](#)**APPROVAL OF CONTRACT WITH LISA WISE CONSULTING, INC. FOR PREPARATION OF A MONTEREY CORRIDOR MARKET AND LAND USE CAPACITY STUDY****Recommendation:**

Authorize contract with Lisa Wise Consulting, Inc (LWC) in an amount not to exceed \$54,500 for preparation of a Monterey Corridor Market and Land Use Capacity Study to serve as a foundation for neighborhood design and zoning code modifications to facilitate the Mixed Use-Flex Development land use designation in the Morgan Hill 2035 General Plan Update.

## Item # Report #

8 [17-002](#)**AUTHORIZE CONTRACT WITH MICHAEL BAKER  
INTERNATIONAL FOR PREPARATION OF A RAILROAD  
CROSSING "QUIET ZONE" STUDY AND DEPOSITS FOR  
REIMBURSEMENT OF SERVICE TO UNION PACIFIC  
RAILROAD****Recommendation:**

1. Approve an amendment to the City's fiscal year 2016-2017 annual budget to appropriate \$88,330 for the "quiet zone" assessment and funding of deposits (\$44,165 Long Range Planning Fund 207 and \$44,165 Public Facilities (Non-AB 1600) Fund 346);
2. Approve professional services contract with Michael Baker International for development of a "quiet zone" assessment and implementation risk report for an amount not to exceed \$58,330; and
3. Authorize \$30,000 in funding of deposits for reimbursement of time and services to Union Pacific Railroad for the review of three proposed "quiet zone" intersections.

## Item # Report #

9 [17-003](#)**AWARD SERVICE AGREEMENT FOR DESIGN  
PROFESSIONALS FOR THE HALE AVENUE EXTENSION  
PROJECT****Recommendation:**

Adopt resolution authorizing the City Manager to execute a Service Agreement for Design Professionals with Mark Thomas & Company for \$401,873 to complete the plans and specifications for the Hale Avenue Extension project.

## Item # Report #

10 [17-004](#)**FINAL MAP APPROVAL FOR MADISON GATE PHASE 1 -  
TRACT 10385****Recommendation:**

Adopt resolution approving the following actions:

1. Approve Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with Tri Pointe Homes Inc.;
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 #

11 [17-011](#)**JOINT CITY COUNCIL-SOUTH COUNTY REGIONAL  
WASTEWATER AUTHORITY (SCRWA)-SANTA CLARA  
VALLEY WATER DISTRICT (DISTRICT) BOARD COMMITTEE  
TO ADVANCE COMMON SOUTH COUNTY WATER  
INTERESTS****Recommendation:**

1. Approve City participation in the Joint Committee with City of Gilroy, South County Regional Wastewater Authority and Santa Clara Valley Water District; and
2. Appoint two City Council members to the Joint Committee as part of the Council's annual review of outside agency assignments.

## Item # Report #

12 [17-013](#)**NOVEMBER 2016 FINANCIAL AND INVESTMENT REPORT****Recommendation:**

Accept and file report.

## Item # Report #

13 [17-001](#)**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 #

14 [17-006](#)

**ADOPT ORDINANCE 2226, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING 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 MUNICIPAL CODE**

**Recommendation:**

Waive the reading, adopt Ordinance No. 2226, 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 #

15 [17-008](#)

**ADOPT ORDINANCE 2227, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR A FIVE LOT DEVELOPMENT PROJECT DA-16-01: WALNUT GROVE-NEWLAND LOCATED ON THE EAST SIDE OF WALNUT GROVE DRIVE, SOUTH OF DIANA AVENUE (APN'S 726-07-089, 726-07-023, 726-07-024)**

**Recommendation:**

Waive the reading, adopt Ordinance No. 2227, 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 [17-009](#)

**ADOPT ORDINANCE 2228, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT FOR THE BUSK PROJECT DAA-14-10: EAST DUNNE-BUSK EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR THE SEVEN, FISCAL YEAR 2015-2016 BUILDING ALLOCATIONS (APN 817-19-044)**

**Recommendation:**

Waive the reading, adopt Ordinance No. 2228, 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 [17-027](#)

**APPROVE THE JANUARY 11, 2017 SPECIAL CITY COUNCIL  
MEETING MINUTES**

**Recommendation:**

Approve Minutes.

**OTHER BUSINESS:****Item # Report #****18** [17-022](#)**APPOINTMENT TO FILL ONE (1) VACANCY ON THE  
PLANNING COMMISSION**

**Recommendation:** Mayor to appoint candidate to fill the Planning Commission Vacancy, term ending June 1, 2017, subject to the ratification of the City Council.

**Estimated Time:** 10 Minutes

**Item # Report #****19** [16-727](#)**INCENTIVE AGREEMENT WITH MORGAN HILL REAL  
ESTATE LLC, FOR THE ESTABLISHMENT OF A NEW  
AUTOMOBILE AGENCY AT THE AUTO MALL PLANNED  
DEVELOPMENT SITE ON CONDIT ROAD**

**Recommendation:** Adopt resolution authorizing the City Manager to execute an Incentive Agreement, consistent with the Auto Dealer Economic Development Strategy, with Morgan Hill Real Estate LLC for a new automobile dealership at the Auto Mall Planned Development Site on Condit Road; and make findings of consistency with Section 53083(a)(6)(b) of the Government Code (AB 562).

**Estimated Time:** 15 Minutes

**PUBLIC HEARINGS:**

Item # Report #

20 [16-846](#)

**DEVELOPMENT AGREEMENT, DA2016-0008:**  
**PEAK-FINAMORE: A DEVELOPMENT AGREEMENT FOR**  
**ONE RESIDENTIAL BUILDING ALLOTMENT FOR A SINGLE**  
**FAMILY ATTACHED (DUET) RESIDENCE LOCATED ON THE**  
**SOUTHEAST CORNER OF PEAK AVENUE AND**  
**CLAREMONT DRIVE (APN 764-36-037)**

**Recommendation:**

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

**Estimated Time:**

10 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