



**Special - Regular Meeting Agenda**

**City Council**

***Steve Tate ~ Mayor***

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

***Caitlin Robinett Jachimowicz ~ Council Member***

***Rene Spring ~ Council Member***

***Rich Constantine ~ Council Member***

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**Wednesday, February 15, 2017**

**6:00 PM**

**Council Chamber**

**17555 Peak Avenue**

**Morgan Hill, CA 95037**

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**SPECIAL/REGULAR MEETING**

**SPECIAL MEETING**

A special meeting of the City Council is called at 6:00 p.m. for the purpose of conducting Library, Culture, and Arts Commission interviews.

**6:00 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)*

**COMMISSION INTERVIEWS:**

Item # Report #

1 [17-090](#) **INTERVIEWS TO FILL FOUR (4) VACANCIES ON THE LIBRARY, CULTURE & ARTS COMMISSION**

**Recommendation:** 1. Discuss the characteristics/traits that a successful applicant(s) would possess;  
2. Conduct interviews;  
3. Council Members identify top applicant(s) and provide recommendation to the Mayor; and  
4. Discuss and/or appoint applicant(s).

**Estimated Time:** 60 Minutes

**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 Constantine

Item # Report #

17-111 **CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PRESENTATIONS**

Item # Report #

[17-098](#) **YAC PRESENTATION- ASSET # 8- YOUTH AS RESOURCES**

**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 #****2** [17-016](#)**AMENDMENT TO CROWN CASTLE PROPERTY USE AGREEMENT****Recommendation:**

Authorize the City Manager to Execute the First Amendment to Crown Castle's Property Use Agreement.

**Item # Report #****3** [17-034](#)**REJECT THE BID FOR THE AQUATICS CENTER DECK RESURFACING PROJECT****Recommendation:**

Reject the bid for the aquatics center deck resurfacing project.

**Item # Report #****4** [17-062](#)**PROGRESS UPDATE ON CITY AGRICULTURAL PRESERVATION ACTIVITIES****Recommendation:**

Accept Report.

## Item # Report #

5 [17-064](#)**GRANT UTILITY SERVICE EASEMENT TO PG&E FOR THE OAK CANYON BOOSTER STATION****Recommendation:**

1. Approve the granting of a 10 foot wide underground utility easement to PG&E for the right to access, maintain, and replace electrical conduits and cables which provide power service to the Oak Canyon Booster Station; and
2. Authorize the City Manager to execute the necessary easement deed to effect this action.

## Item # Report #

6 [17-068](#)**IMPROVEMENT AGREEMENT AND STORMWATER BEST-MANAGEMENT-PRACTICES OPERATION AND MAINTENANCE AGREEMENT WITH NUEVA VISTA, LLC FOR PSYNERGY PROGRAMS CAMPUS AT 18225 HALE AVENUE****Recommendation:**

Adopt Resolution approving the following actions:

1. Approve an Improvement Agreement with Nueva Vista, LLC;
2. Authorize the City Manager to execute the Improvement Agreement;
3. Authorize the City Manager to execute separate Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement for Psynergy Programs pending review and approval by the City Attorney; and
4. Authorize the recordation of the Improvement Agreement.

## Item # Report #

7 [17-069](#)**RESOLUTIONS AUTHORIZING AN ADDITIONAL PACE ADMINISTRATOR****Recommendation:**

Adopt resolutions authorizing an additional administrator to serve Morgan Hill customers for property improvements.

## Item # Report #

8 [17-087](#)**HOUSING RELATED PARKS GRANT****Recommendation:**

Adopt resolution authorizing the submission and administration of a housing related parks grant to the State of California.

## Item # Report #

9 [17-088](#)**HEALTHIER KIDS FOUNDATION UPDATE****Recommendation:**

Receive the Healthier Kids Foundation update report.

## Item # Report #

10 [17-070](#)**ACCEPT OFFER FROM THE SANTA CLARA VALLEY WATER DISTRICT FOR PURCHASE OF PORTIONS OF PROPERTIES, ADJACENT TO THE CENTENNIAL RECREATION CENTER, APN'S 767-21-060 AND 767-18-025****Recommendation:**

1. Accept the Santa Clara Valley Water District's offer of \$72,000 for purchase of portions of properties, APN's 767-21-060 and 767-18-025 needed to construct improvements for the Upper Llagas Creek Flood Protection project; and  
2. Authorize the City Manager to execute the Right of Way Agreements that document the sale and transfer of land.

## Item # Report #

11 [17-078](#)**APPROVAL TO UPGRADE ASSOCIATE ENGINEER POSITION TO SUPERVISING CIVIL ENGINEER POSITION - LAND DEVELOPMENT/DEVELOPMENT SERVICES****Recommendation:**

Amend the FY 2016-17 and 2017-18 authorized personnel allocations to reflect recommended changes in staffing by position.

## Item # Report #

12 [17-071](#)**ADOPT ORDINANCE 2231, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE ZONING OF A 1.65-ACRE SITE LOCATED ON THE SOUTH SIDE OF EAST THIRD STREET, WEST OF DEPOT STREET AND NORTH OF EAST FOURTH FROM CENTRAL BUSINESS DISTRICT CBD, TO CENTRAL BUSINESS DISTRICT PLANNED DEVELOPMENT AND ADOPT A PRECISE DEVELOPMENT PLAN FOR A MIXED-USE PROJECT CONSISTING OF 83 MARKET RATE RENTAL APARTMENTS AND A MINIMUM OF 7859 SQUARE FEET OF COMMERCIAL SPACE (APNS 726-13-032, 044 & 054)****Recommendation:**

Waive the reading, adopt Ordinance No. 2231, 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 #

13 [17-072](#)**ADOPT ORDINANCE 2232, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT DA-16-09: DEPOT-SUNSWEEP MORGAN HILL AWARDED 83 MEASURE "A" EXEMPT ALLOTMENTS FOR THE SUNSWEEP PROJECT LOCATED ON THE SOUTH SIDE OF EAST THIRD STREET, WEST OF DEPOT STREET AND NORTH OF EAST FOURTH (APNS 726-13-032, 044, & 054)****Recommendation:**

Waive the reading, adopt Ordinance No. 2232, 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 [17-096](#)**APPROVE THE JANUARY 27 & 28, 2017 CITY COUNCIL ADVANCE MINUTES****Recommendation:**

Approve Minutes.

## Item # Report #

15 [17-075](#)**APPROVE THE FEBRUARY 1, 2017 SPECIAL/REGULAR CITY COUNCIL MEETING MINUTES****Recommendation:**

Approve Minutes.

**OTHER BUSINESS:**

## Item # Report #

16 [17-092](#)**SUSTAINABLE MORGAN HILL AND 2017 STRATEGIC PRIORITIES****Recommendation:**

Adopt Sustainable Morgan Hill, updated ongoing priorities, and the City Council's 2017 Strategic Priorities.

**Estimated Time:**

5 Minutes

## Item # Report #

17 [17-067](#)**DECEMBER 2016 FINANCIAL AND INVESTMENT REPORT****Recommendation:**

Accept and file report.

**Estimated Time:**

10 Minutes

## Item # Report #

18 [17-055](#)**AWARD OF THE DOWNTOWN PARKS PROJECT****Recommendation:**

1. Adopt a resolution amending the Fiscal Year 2016/17 Budget and appropriating an additional \$2,053,000 from the Park Impact Fund (301);
2. Approve project plans and specifications;
3. Award contract to Suarez and Munoz Construction, Inc. for the Downtown Parks Project in the amount of \$5,030,000;
4. Authorize the expenditures of construction contingency funds not to exceed \$503,000; and
5. Authorize the City Manager to execute the contract.

**Estimated Time:**

30 Minutes

## Item # Report #

19 [17-044](#)**HALE LUMBER (17020 DEPOT STREET), DEPOT STREET RE-ALIGNMENT AND COMMUNITY AND CULTURAL CENTER (CCC) PARKING, DISPOSITION AND DEVELOPMENT AGREEMENT - CITY OF MORGAN HILL AND BROOKFIELD BAY AREA HOLDINGS, LLC****Recommendation:**

Adopt resolution approving the Disposition and Development Agreement (DDA) between the City of Morgan Hill and Brookfield Bay Area Holdings LLC and delegating authority to the City Manager to execute and administer the Agreement.

**Estimated Time:**

60 Minutes

## Item # Report #

20 [17-089](#)**CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES AND STANDING COUNCIL LIAISON ASSIGNMENTS****Recommendation:**

1. Review and revise the City Council Appointments to Outside Assignments and Standing Council Liaison Assignments, as necessary; and
2. Direct the City Clerk to notify the appropriate agencies of the amended assignments and update the Form 806 as necessary.

**Estimated Time:**

15 Minutes

## Item # Report #

21 [17-091](#)**PROPOSITION 64, ADULT USE OF MARIJUANA ACT, WORKSHOP FOLLOW UP****Recommendation:**

Provide direction on the City's evaluation of its existing marijuana and secondhand smoke ordinances.

**Estimated Time:**

5 Minutes

## Item # Report #

22 [17-097](#)**DOWNTOWN PARKING FOLLOW-UP**

**Recommendation:** Provide direction to staff on future downtown parking strategy efforts.

**Estimated Time:** 5 Minutes

**PUBLIC HEARING:**

## Item # Report #

23 [17-059](#)**APPEAL (AAE2017-0002 AND AAE2017-0003) OF PLANNING COMMISSION'S DISTRIBUTION OF RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) BUILDING ALLOTMENTS FOR RDSC2016-0014: LAUREL-DEROSE AND RDSC2016-0018: CONDIT-PRESIDIO EVERGREEN FOR FISCAL YEAR 2018/19 WITH REQUEST THAT CITY COUNCIL AWARD SECOND YEAR BUILDING ALLOTMENTS FOR FISCAL YEAR 2019/20 AND REDISTRIBUTING UNUSED RESIDENTIAL DEVELOPMENT CONTROL SYSTEM ALLOTMENTS AWARDED IN FISCAL YEARS 2016/17 AND 2017/18**

**Recommendation:**

1. Adopt a Resolution denying appeals and reaffirming the distribution of the Residential Development Control System (RDCS) Building Allotments for Fiscal Year 2018/19;
2. Adopt a Resolution re-distributing unused RDCS allotments to eligible high-scoring projects from Fiscal Years 2016/17 and 2017/18; and
3. Determine that the projects are eligible ongoing projects and direct the Planning Commission to include these projects as ongoing for Measure S for Fiscal Year 2019/2020.

**Estimated Time:** 30 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.



**CLOSED SESSION**

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Authority:

Government Code 54957(b)(1)

Title:

City Manager

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**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**