



City of Morgan Hill

Meeting Minutes

City Council

Steve Tate ~ Mayor

Rich Constantine ~ Mayor Pro Tem

Gordon Siebert ~ Council Member

Marilyn Librers ~ Council Member

Larry Carr ~ Council Member

Wednesday, October 21, 2015

5:30 PM

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

SPECIAL CITY COUNCIL MEETING

(5:30 P.M. WATER & WASTEWATER WORKSHOP / 7:00 P.M. REGULAR MEETING)

5:30 P.M.

CALL TO ORDER

ROLL CALL ATTENDANCE

Present: 5 - Mayor Pro Tem Carr, Council Member Constantine, Council Member Librers,
Council Member Siebert, Mayor Tate

Absent: 0

DECLARATION OF POSTING OF AGENDA

WATER & WASTEWATER WORKSHOP

REGULAR CITY COUNCIL MEETING

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Siebert spoke about league of California Cities Conference and wanted to let everyone know what a great honor it is to represent everyone in Morgan Hill and to see the the outpouring of several thousand people that serve cities across California and to be very thankful having talked to a number of colleges who are dealing with really vexing problems in their community. It is a real pleasure that we in Morgan Hill are all working diligently, cooperatively and in a collegial manner to serve all of you.

CITY MANAGER'S REPORT

City Manager Rymer recognized new and promoted teammates. He thanked businesses downtown for their patience and encouraged everyone to visit downtown during this time of construction. He gave an update on what is on what is happening on on 3rd and 4th and some of the undergrounding, at the request of the businesses we will hold off on some of the undergrounding until we get the entrance to the parking lot on 3rd done. He concluded by speaking on the evening's supplement.

CITY ATTORNEY'S REPORT

No report

OTHER REPORTS

No other reports

YAC PRESENTATION- ASSET #2 POSITIVE FAMILY COMMUNICATION

RECOGNITIONS**PROCLAMATION****PUBLIC COMMENT**

Mayor Tate opened public comment at 7:25 p.m.

Kirk Bertolet

was called to speak

Charles Weston was called to speak

Hearing no further request to speak the public comment was closed

ADOPTION OF AGENDA

Action: On a motion by Council Member Carr and seconded by Council Member Constantine, adopting the agenda as presented. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

CONSENT CALENDAR:

Action: On a motion by Council Member Siebert and seconded by Council Member Librers, approving the Consent Calendar with the abstention of Council Member Carr on items 1 and 2. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

- 1 [15-672](#) ADOPT ORDINANCE 2173, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE ZONING TO ESTABLISH A PLANNED DEVELOPMENT OVERLAY ZONE ON A 1.07-ACRE SITE ON THE NORTH WEST CORNER OF THE INTERSECTION OF EAST THIRD STREET AND DEPOT STREET FROM CBD, CENTRAL BUSINESS DISTRICT, TO CBD/PLANNED DEVELOPMENT (APN 726-14-001)

Action: On a motion by Council Member Siebert and seconded by Council Member Librers, Waiving the reading, adopting Ordinance No. 2173 New Series, and declaring that said title, which appears on the Agenda, shall be determined to have been read by title and further reading waived. The motion Passed by the following vote:

Ayes: 4 - Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

Abstain: 1 - Carr

- 2 [15-673](#) ADOPT ORDINANCE 2174, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION DA-15-12: EAST THIRD-CITY VENTURES AWARDDING 29 MEASURE "A" EXEMPT ALLOTMENTS FOR THE DEPOT STATION PROJECT (APN 726-14-001)

Action: On a motion by Council Member Siebert and seconded by Council Member Librers, Waiving the reading, adopting Ordinance No. 2174 New Series, and declaring that said title, which appears on the Agenda, shall be determined to have been read by title and further reading waived. The motion Passed by the following vote:

Ayes: 4 - Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

Abstain: 1 - Carr

- 3 [15-667](#) APPROVAL OF CONTRACT FOR BANKING SERVICES
- 4 [15-643](#) AUGUST 2015 FINANCIAL AND INVESTMENT REPORT

5 [15-655](#) AWARD ANNUAL ENGINEERED WOOD FIBER MAINTENANCE SERVICES AGREEMENT

Adopt resolution approving the following actions:

1. Award a Maintenance Services Agreement to Applied Landscape Materials, Inc. for up to \$80,000 (approximately \$20,000 annually for a Four-Year Period) Subject to Future Annual Budget Appropriations by the City Council; and
2. Authorize the City Manager to negotiate, execute and administer the Agreement, including the authority to extend the Agreement for a period of up to one additional year (at the end of the four-year period) at a cost not to exceed 105% of the Original Approved Annual Amount Subject to Budget Appropriations by the City Council

OTHER BUSINESS:

6 [15-588](#) DOWNTOWN PARKS CONCEPT DESIGN APPROVAL

Community Services Director Ghione presented the staff report.

Mayor Tate opened public comment at 8:10 p.m. Hearing no request to speak the public comment was closed

Meeting went into Recess

Meeting Reconvened

Action: On a motion by Council Member Librers and seconded by Council Member Carr, to approve that we move on to the next stage of development. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

7 [15-653](#) PENSION AND OPEB TRUST FUNDS

Assistant Finance Director Nguyen presented the staff report

Mayor Tate opened public comment at 8:28 P.M. Hearing no request to speak the public comment was closed.

Action: On a motion by Council Member Siebert and seconded by Council Member Constantine, adopting resolution 15-243 authorizing participation in the Public Agencies Post-Employment Benefits Trust Program to Pre-Fund Pension and Other Post Employment Benefits (OPEB) Obligations to be administered by Public Agency Retirement Services (PARS) with U.S. Bank as trustee and authorizing the City Manager to negotiate, execute and administer documents to implement the program. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

- 8 [15-668](#) AUTHORIZE REFUNDING BONDS FOR ASSESSMENT DISTRICT 1998-1 (MORGAN HILL RANCH) AND ASSESSMENT DISTRICT 2000-1 (MADRONE)

Assistant Finance Director Nguyen presented the staff report.

Mayor Tate opened public comment at 8:31 P.M. Hearing no request to speak the public comment was closed.

Action: On a motion by Council Member Siebert and seconded by Mayor Tate, Adopt resolutions 15-244 through 15-251 appointing members of the financing team, declaring the City's intention to issue refunding bonds, approving reassessment reports and authorizing the issuance of the refunding bonds.

The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

PUBLIC HEARINGS:

- 9 [15-682](#) IMPROVEMENTS TO THE HAZARDOUS VEGETATION ABATEMENT PROCESS AND RELATED AMENDMENTS TO THE MORGAN HILL MUNICIPAL CODE

Program Administrator Eulo presented the staff report.

Mayor Tate opened public hearing at 8:38 P.M.

Doug Muirhead was called to speak

Hearing no further request to speak the public hearing was continued to the November 4, 2015 meeting.

Action: On a motion by Council Member Siebert and seconded by Council Member Carr, accepting report on Improvements to the Hazardous Vegetation Abatement Process and continuing the Public Hearing to the City Council Meeting of November 4, 2015. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

- 10 [15-630](#) ZONING AMENDMENT ZA 14-25 AND SITE REVIEW SR 14-18: EAST THIRD - SUNSWEET; A REQUEST FOR APPROVAL OF A PRECISE DEVELOPMENT PLAN, SITE PLAN, ARCHITECTURAL AND LANDSCAPE PLANS FOR A 43-UNIT MULTI-FAMILY DEVELOPMENT WITH APPROXIMATELY 6,600 SQUARE FEET OF COMMERCIAL SPACE PROPOSED ALONG THE THIRD STREET FRONTAGE OF A 1.65 ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST THIRD STREET AND DEPOT STREET

Community Development Director Crabtree presented the staff report

Mayor Tate opened the public hearing at 8:46 P.M.

Rocke Garcia was called to speak

Hearing no further request to speak the public hearing was continued to December 2, 2015 meeting

Action: On a motion by Council Member Carr and seconded by Council Member Librers, Continuing the public hearing to the City Council Meeting of December 2, 2015. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

- 11 [15-676](#) APPEAL, AP-15-04: DEWITT-MURRAY: APPEAL OF THE PLANNING OFFICER'S DECISION TO REJECT AN APPLICATION FROM THE CITY'S 2015 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) COMPLETION. RDCA APPLICATION MMC 15-07: DEWITT-MURRAY PROPOSES FOUR SINGLE FAMILY HOMES ON PROPERTY IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 773-08-064, LOCATED AT THE SOUTHWEST CORNER OF PRICE DRIVE AND DEWITT AVENUE (SCOTT MURRAY-MANA HANAIEI, APPLICANT). THE APPLICATION WAS REJECTED BASED ON THE PLANNING OFFICER'S DETERMINATION THAT THE APPLICATION DID NOT COMPLY WITH THE PRECISE DEVELOPMENT PLAN

Community Development Director Crabtree presented the staff report.

Mayor Tate opened the public hearing at 8:56 P.M.

Bill McClintock was called t to speak

Hearing no further request to speak the public hearing was closed.

Action: On a motion by Council Member Librers and seconded by Council Member Constantine, adopting resolution 15-252 granting the appeal based upon substantial conformance with the City's Zoning Ordinance. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

- 12 [15-674](#) APPEAL, AP-15-05: AN APPEAL OF THE PLANNING OFFICER'S DECISION TO REJECT AN APPLICATION FROM THE CITY'S 2015 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) COMPETITION. RDCS APPLICATION MMC-15-09: PEAK-FINAMORE PROPOSES THE CONSTRUCTION OF A DUET HOME ON PROPERTY IDENTIFIED BY aSSESSOR'S PARCEL NUMBER 764-36-037, LOCATED AT THE SOUTHWEST CORNER OF CLAREMONT DRIVE AND PEAK AVENUE (RICK FINAMORE, APPLICANT). THE APPLICATION WAS REJECTED BASED ON THE PLANNING OFFICER'S DETERMINATION THAT THE PROJECT DID NOT COMPLY WITH THE CITY'S GENERAL PLAN DENSITY REQUIREMENT

Community Development Director Crabtree presented the staff report.

Mayor Tate opened the public hearing at 9:18 P.M.

Rick Finamore was called to speak

Kirk Bertolet was called to speak

Bill McClintock was called to speak

Hearing no further request to speak the public hearing was closed.

Action: On a motion by Council Member Carr and seconded by Council Member Librers, accepting the appeal to allow project to move forward with rdcs, that our general plan has language today that stresses the importance of different types of housing and affordability of housing and that due to some difficulties within the RDCS process, this project should be allowed to move forward and that we would like staff to consider some General Plan language changes that would address the issue of duplex opposed to

duettes in the future. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Tate

Noes: 1 - Siebert

Absent: 0

- 13 [15-675](#) APPEAL, AP-15-06: WALNUT GROVE-NEWLAND: AN APPEAL OF THE PLANNING OFFICER'S DECISION TO REJECT AN APPLICATION FROM THE CITY'S 2015 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (rdcs) COMPETITION. RDCS APPLICATION MC-15-10:WALNUT GROVE-NEWLAND PROPOSES THE DEVELOPMENT OF NINE SINGLE FAMILY HOMES AT PROPERTIES IDENTIFIED BY ASSESSOR'S PARCEL NUMBER(S) 726-07-089, 726-07-023 AND 726-07-024, LOCATED AT THE SOUTHEAST CORNER OF DIANA AVENUE AND WALNUT GROVE DRIVE (NEWLAND HOMES, APPLICANT). THE APPLICATION WAS REJECTED BASED ON THE PLANNING OFFICER'S DETERMINATION THAT THE PROJECT DID NOT CONFORM TO TITLE 18 (ZONING)

Community Development Director Crabtree presented the staff report.

Mayor Tate opened the public hearing at 9:57 P.M.

Bryan Avilla was called to speak

Bill McClintock was called to speak

Scott Murray was called to speak

Hearing no further request to speak the public hearing was closed.

Action: On a motion by Council Member Librers and seconded by Council Member Constantine, granting the appeal with direction that the project be redesigned to conform to the zoning district. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

OTHER BUSINESS:

- 14 [15-678](#) AMENDMENT TO TITLE 2, SECTION 2.04.010 OF THE MORGAN HILL MUNICIPAL CODE ESTABLISHING REGULAR MEETING DATES FOR THE CITY COUNCIL

City Manager Rymer presented the staff report.

Mayor Tate opened public comment at 10:09 P.M. Hearing no request to speak the public comment was closed.

Action: On a motion by Council Member Librers and seconded by Council Member Siebert, approving the amended City Council Policy 06-02 to Formally schedule 3 meetings a month and have Mayor and City Manager decide if 3rd meetings are necessary each month. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 1 - Constantine

Absent: 0

Action: On a motion by Mayor Tate and seconded by Council Member Librers, waiving the first and second reading of Ordinance 2175. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 1 - Constantine

Action: On a motion by Mayor Tate and seconded by Council Member Librers, introducing Ordinance 2175. The motion passed by the following vote:

- 15 [15-671](#) REVISIONS TO WATER WASTE ORDINANCE, AMENDING SECTION 13.04.330 (WASTING OF WATER) OF CHAPTER 13.04 (WATER SYSTEM) OF TITLE 13 (PUBLIC SERVICES) OF THE mORGAN HILL MUNICIPAL CODE

Program Administrator Eulo presented the staff report.

Mayor Tate opened public comment at 10:24 P.M. Hearing no request to speak the public comment was closed.

Action: On a motion by Council Member Siebert and seconded by Council Member Librers amending the Water Waste Ordinance by adding section 15, plumbing testing system, as proposed. The motion passes by the following vote:

Ayes: 3 - Librers, Siebert, Tate

Noes: 2 - Carr, Constantine

Absent: 0

Action: On a motion by Council Member Carr and seconded by Council Member Constantine, waiving first and second reading of the the ordinance as presented by staff. The motion passed by the following vote:

Ayes: 3 - Carr, Constantine, Tate

Noes: 2 - Librers, Siebert

Absent: 0

Action: On a motion by Council Member Carr and seconded by Council Member Constantine, introducing ordinance by title. The motion failed by the following vote:

Ayes: 3 - Carr, Constantine, Tate

Noes: 2 - Librers, Siebert

Absent: 0

16 [15-677](#)

**MORGAN HILL 2035: RDGS UPDATE WORKING GROUP
PROGRESS REPORT**

Community Development Director Crabtree presented the staff report.

No action taken

FUTURE COUNCIL INITIATED AGENDA ITEMS:

Council Member Constantine asks that we schedule legislate training before an early meeting once it is working properly.

Council Member Carr requested two discussion items, 1. item on downtown parking and the possibility of a downtown parking committee, and 2. item about rail safety including noise, electrification of cal-train, and update on high speed rail.

CLOSED SESSION

City Attorney Gurza read the closed session in to the record

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Tate opened public comment at 10:40 p.m. Hearing no request to speak, public comment was closed.

ADJOURN TO CLOSED SESSION

Mayor Tate adjourned to closed session at 10:40 p.m.

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Authority: Pursuant to Government Code Section 54956.9(d)(2)

Number of Cases: One (1)

RECONVENE

CLOSED SESSION ANNOUNCEMENT

No reportable action

ADJOURNMENT

MINUTES PREPARED BY:

Angie Garcia, Minutes Clerk

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. 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

2015

2015 Commitment

For 2015, the City Council is committed to remaining focused on existing planning efforts, projects, and initiatives with an eye towards completing what has already been started.

Ongoing Priorities

The City Council is committed to providing high quality and sustainable services to 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 an organizational culture
- Preserving and cultivating public trust

2015 Focus Areas

In addition to the City Council's priorities, eleven specific focus areas were recognized by the Council that require significant resources in 2015.

- Stimulate economic development to increase jobs and expand the City's tax base
- Actively participate in regional issues for the benefit of Morgan Hill
- Develop an infrastructure funding and advocacy plan
- Evaluate, develop, and implement short and long term strategies to address the environmental and financial impacts of drought conditions
- Continue our General Plan Update, Morgan Hill 2035, including updating and incorporating the Residential Development Control System (RDCS)
- Advance revitalization of our downtown by completing our significant public investment
- Implement Southeast Quadrant agricultural preservation and land use plans that satisfy the Council's goals by working cooperatively with landowners, public agencies, and other stakeholders
- Develop a plan for ongoing and comprehensive support of senior services
- Advance regional transportation decisions that are consistent with the Council's position to best serve Morgan Hill by working with regional and state organizations
- Measure the effectiveness of community engagement efforts
- Facilitate maintaining and enhancing the provision of medical services in Morgan Hill