



## **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***

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**Wednesday, November 4, 2015**

**5:30 PM**

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

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

#### **SPECIAL CITY COUNCIL 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**

15-783 Presentation

**REGULAR CITY COUNCIL MEETING**

7:00 P.M.

**SILENT INVOCATION****PLEDGE OF ALLEGIANCE****CITY COUNCIL REPORTS**

*Council Member Constantine spoke on the Water Workshop and how Morgan Hill has been doing on our water conservation. Morgan Hill is number 9 in the state in water conservation with a 38.8 % in savings.*

**CITY MANAGER'S REPORT**

*City Manager Rymer recognized Steve Maxey, thanked him for his time and congratulated him on his new endeavors. He reminded us that now that we are in November we only allow watering one day a week which is on Wednesdays regardless of you address, through the month of March watering is only allowed on Wednesdays. He continued by thanking our downtown businesses and residents. He concluded by speaking on the evening's supplements.*

**CITY ATTORNEY'S REPORT**

*No report*

**OTHER REPORTS**

*No other reports*

**PRESENTATIONS**

*Assemblyman Luis Alejo presented a legislative update*

[15-781](#)

Legislative Update presentation and handouts

**PROCLAMATIONS**

*Proclaiming the day of November 13, 2015 as Morgan Hill Philanthropy Day - Amy Whelan*

**PUBLIC COMMENT**

*Mayor Tate opened Public Comment at 7:39 p.m.*

*Ava Geddes was called to speak*

*Richard Vanella was called to speak*

*Peter Leroe-Munoz was called to speak*

*James Duran was called to speak*

*Hearing no further request to speak, the public comment was closed.*

[15-782](#)

Public Handout

**ADOPTION OF AGENDA**

**Action: On a motion by Council Member Constantine and seconded by Council Member Librers, 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:**

*No vote for Constantine for #3*

**Action: On a motion by Council Member Constantine and seconded by Council Member Carr, approving consent calendar items 1 through 4, 6 through 12 and 14 with a No Vote on item 3 from Council Member Constantine. The motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

- 1    [15-700](#)    ACCEPTANCE OF AQUATICS CENTER POOL HEAT EXCHANGER SYSTEM PROJECT
- 2    [15-693](#)    ADOPT DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION AGREEMENT

**Adopt a Resolution approving the following actions;**

1.    Adopt Disadvantaged Business Enterprise (DBE) Combination Race-Neutral/Race Conscious Implementation Agreement for federally funded grant projects, and
2.    Authorize the City Manager to execute and subsequently administer the DBE agreement with the Department of Transportation on behalf of the City, subject to City Attorney review.

- 3     [15-728](#)     ADOPT ORDINANCE 2175, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING SECTION 2.04.010 OF THE MUNICIPAL CODE, REGARDING THE TIME AND LOCATION OF THE COUNCIL MEETINGS

**Adopting Ordinance No. 2175 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.**

**Ayes:** 4 - Carr, Librers, Siebert, Tate

**Noes:** 1 - Constantine

**Absent:** 0

- 4     [15-663](#)     APPROVE PROFESSIONAL SERVICES AGREEMENT TO PROVIDE DESIGN SERVICES FOR THE SEWER LIFT STATION J & K REHABILITATION PROJECT

- 5     [15-708](#)     AQUATICS CENTER LAP LANE RENTAL CHARGES

*Recreation Manager Calubaquib presented the staff report.*

*Mayor Tate opened Public Comment at 8:00 p.m. Hearing no request to speak, the public comment was closed.*

*Mayor Tate re-opened public comment at 8:03 p.m.*

*Jennifer Page was called to speak*

*Hearing no further 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 Constantine adopting resolution 15-258 approving increasing lap lane rental charges for non-residents at the Aquatics Center and maintaining current lap lane rental charges for resident swim clubs. The motion passed by the following vote:**

**Ayes:** 4 - Carr, Librers, Siebert, Tate

**Noes:** 1 - Constantine

**Absent:** 0

- 6     [15-697](#)     AWARD ANNUAL ON-CALL ELECTRICAL MAINTENANCE AND REPAIR SERVICES AGREEMENT

- 7     [15-698](#)     AWARD ANNUAL ON-CALL PLUMBING MAINTENANCE SERVICES AGREEMENT

- 8    [15-724](#)        AWARD CONTRACT FOR INCLUSIVE PLAYGROUND DESIGN
- 9    [15-737](#)        CITY OF MORGAN HILL SPECIAL/REGULAR CITY COUNCIL  
MEETING MINUTES- JUNE 17, 2015
- 10   [15-738](#)        CITY OF MORGAN HILL SPECIAL CITY COUNCIL MEETING  
MINUTES- JULY 8, 2015
- 11   [15-739](#)        CITY OF MORGAN HILL SPECIAL/REGULAR CITY COUNCIL  
MEETING MINUTES- JULY 15, 2015
- 12   [15-726](#)        FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT -  
ASSISTANCE TO FIREFIGHTERS
- 13   [15-694](#)        MAINTENANCE SERVICE AGREEMENT WITH FRANK'S AUTO  
SERVICE FOR POLICE VEHICLE REPAIR AND MAINTENANCE

*Captain Palsgrove presented the staff report.*

*Mayor Tate opened public comment at 8:19 p.m. Hearing no request to the public  
comment was closed.*

**Action: On a motion by Council Member Constantine and seconded by Council Member Carr, adopting  
resolution 15-263 approving Frank's Auto as a sole source vendor and authorizing the City Manager to  
execute a Maintenance Service Agreement with Frank's Auto Service for an amount not to exceed \$60,000  
and to subsequently administer the agreement.. The motion passed by the following vote:**

**Ayes:** 4 - Carr, Constantine, Librers, Tate

**Noes:** 1 - Siebert

**Absent:** 0

- 14   [15-720](#)        UPCOMING 2016 COMMISSION VACANCIES - PER MADDY ACT

**No Action Required - Information Only**

**PUBLIC HEARINGS:**

- 15    [15-699](#)    DEVELOPMENT AGREEMENT DA-14-04: DUNNE - LEUNG.  
REQUEST FOR A DEVELOPMENT AGREEMENT TO ALLOW A SIX  
LOT SUBDIVISION OF A 2.112 ACRE PARCEL IN THE R-1 7,000  
SINGLE FAMILY MEDIUM DENSITY DISTRICT. THE PROPERTY,  
IDENTIFIED AS ASSESSOR PARCEL NUMBER 728-11-026, IS  
LOCATED AT THE NORTHEASTERLY CORNER OF EAST DUNNE  
AVENUE AND HILL ROAD (TOAN TRAN & SYLVIA LEUNG,  
OWNERS). CEQA: CATEGORICALLY EXEMPT PURSUANT TO  
SECTION 15332 (IN-FILL DEVELOPMENT PROJECTS)

*Community Development Director Crabtree presented the staff report.*

*Mayor Tate opened the public hearing at 8:28 p.m.*

*Bill McClintock was called to speak*

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

*Council Member Librers recused herself and exited the dais.*

**Action: On a motion by Council Member Carr and seconded by Council Member Siebert, waiving the first and second reading of ordinance 2176 approving project Development Agreement DA-14-04: Dunne - Leung . The motion passed by the following vote:**

**Ayes:** 4 - Carr, Constantine, Siebert, Tate

**Noes:** 0

**Absent:** 0

**Abstain:** 1 - Librers

**Action: On a motion by Council Member Carr and seconded by Council Member Siebert, introducing ordinance 2176. The motion passed by the following vote:**

**Ayes:** 4 - Carr, Constantine, Siebert, Tate

**Noes:** 0

**Absent:** 0

**Abstain:** 1 - Librers

**OTHER BUSINESS:**

- 16    [15-723](#)       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 Coordinator Eulo presented the staff report.*

*Mayor Tate opened public comment at 8:34 p.m. Hearing no request to speak the public comment was closed.*

**Action: On a motion by Council Member Constantine and seconded by Council Member Carr, waiving first and second reading of ordinance 2177. The motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

**Action: On a motion by Council Member Carr and seconded by Council Member Librers, introducing ordinance 2177 by title. The motion passed by the following vote:**

**Ayes:** 4 - Carr, Constantine, Librers, Tate

**Noes:** 1 - Siebert

**Absent:** 0

- 17    [15-725](#)       AMENDMENTS TO THE MORGAN HILL MUNICIPAL CODE IMPROVING THE HAZARDOUS VEGETATION ABATEMENT PROCESS

*Program Administrator Eulo presented the staff report.*

*Mayor Tate opened public comment at 8:40 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, waiving the first and second reading of ordinance 2178 . The motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

**Action: On a motion by Council Member Librers and seconded by Council Member Siebert, introducing Ordinance 2178. The motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

18 [15-741](#)**COUNCIL MEMBER MARILYN LIBRERS TRAVEL IN CONNECTION WITH THE SILICON VALLEY MAYORS' CHINA TRIP***City Manager presented the staff report.**Mayor Tate opened public comment at 8:42 p.m. Hearing no request to speak, public comment was closed.*

**Action:** On a motion by Council Member Siebert and seconded by Council Member Constantine, adopting resolution 15-264 authorizing Council Member Marilyn Librers to attend the Silicon Valley Calibration China Trip from November 7, 2015 through November 11, 2015 and authorizing the reimbursement of related travel expenses from the City Council budget in the General Fund in an amount not to exceed \$400 and in accordance with applicable City policies and procedures. The motion passed by the following

vote:

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

**Noes:** 0

**Absent:** 0

**FUTURE COUNCIL INITIATED AGENDA ITEMS:***Council Member Librers requested the Spay Neuter item**Mayor Tate asked for a policy on subsidizing.***CLOSED SESSION****OPPORTUNITY FOR PUBLIC COMMENT***City Attorney Gurza read the closed session in to the record**Mayor Tate opened public comment at 8:45 p.m. Hearing no request to speak the public comment was closed.***ADJOURN TO CLOSED SESSION***Mayor Tate adjourned to closed session***CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION****Authority:**

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

**Number of Cases:**

Two (2)

**RECONVENE****CLOSED SESSION ANNOUNCEMENT***No reportable action*

**ADJOURNMENT**

*There being no further business Mayor Tate adjourned the meeting.*

**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](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**

### **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