



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, July 27, 2016

7:00 PM

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

CALL TO ORDER

The meeting was called to order at 7:01 p.m.

ROLL CALL ATTENDANCE

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

Absent: 0

DECLARATION OF POSTING OF AGENDA

Deputy City Clerk Michelle Wilson declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Mayor Pro Tem Constantine thanked the members of the public and the City team for helping the City run so well. It's through the actions of our citizens that things like our RDCS system and our commissions are so successful. The "feel" of our city comes from how we treat each other and how we work through the things that affect us daily.

CITY MANAGER'S REPORT

City Manager Steve Rymer recognized Andrew Crabtree for his outstanding work with the General Plan Update, the RDCS Update, the Southeast Quadrant Land Use Plan, and the Agricultural Preservation Program. Andrew joined this organization at a time when we needed the leadership and expertise that Andrew brought to this organization. He thanked Andrew for his three years of service and wished him the best of luck in his new position with the City of Santa Clara.

He shared that in the last seven days we have made additional progress on the traffic calming measures throughout the downtown. The crossing flags have arrived and we are in the process of installing the containers to hold them. Those should be up in the downtown within the next week at the uncontrolled intersections. He asked the community to please use the new flags as they cross the street, and return them to the container at the other side, to leave them downtown because they are meant for crossing, and if you are in a vehicle to please pay extra attention to those pedestrians in the crosswalks. We are having a demo next week on the solar in-ground cross walk lighting. We will have a vendor come down and provide a demonstration on them to see how they work and discuss maintenance before we make a decision. We are also continuing to work with the lighting contractor that we have for the additional lighting at each of the crossings. We should have better numbers from them on what it will take to light up the remaining intersections in the not too distant future. We have also made progress with our design team for the Fourth Street signal. That project is a little farther out. Last, hopefully many of you have noticed the increased presence by our Police Department. Those are the pieces that we are trying to pull together comprehensively to make our downtown as well as the community as safe as possible.

He concluded by announcing the evening's supplements and presentations.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin shared that we received an email over the weekend from a member of the public expressing concern that the header for agenda item 12 was confusing. The City Manager and he discussed it and both agreed with the concern that was expressed. Even though the posted agenda was legally adequate, we certainly don't strive for mere adequacy particularly when it comes to transparency and for that reason we posted an amended agenda that clarified the header and we also sent out new notices better describing what was happening in agenda item 12 and making clear that the Council would be considering adding measures to the ballot. The amendment did not make any substantive changes or add any new items to the agenda. It only clarified what was already on the agenda and it was appropriate to make that clarification, it does not require a new 72 hour notice. There is nothing in the Brown Act that prohibits amendments for clarification so we recommend moving forward with this item tonight.

OTHER REPORTS

None.

PUBLIC COMMENT

The public comment was opened at 7:11 p.m.

Kathy Sullivan was called to speak.

Joseph Carrillo was called to speak.

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

ADOPTION OF AGENDA

Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Siebert, adopting the agenda as posted. The motion passed by the following vote:

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

Noes: 0

Absent: 0

CONSENT CALENDAR:**Approval of the Consent Calendar**

Action: On a motion by Council Member Siebert and seconded by Mayor Pro Tem Constantine, approving consent calendar items 1 through 10. The motion passed by the following vote:

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

Noes: 0

Absent: 0

- 1 [16-504](#) ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS FOR MADRONE PLAZA PHASE 2 - TRACT NO. 10208
- 2 [16-502](#) ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS FOR AMADORA SOUTH - TRACT NO. 10232
- 3 [16-479](#) AMENDMENT TO THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY AGREEMENT
- 4 [16-492](#) AWARD CONTRACT FOR ON-CALL EMERGENCY SPILL RESPONSE CLEANUP SERVICES
- 5 [16-506](#) FINAL MAP APPROVAL FOR SAN SEBASTIAN PHASE 1 - TRACT NO. 10176
- 6 [16-535](#) ADOPT ORDINANCE 2208, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT FROM R2-3,500 TO R2-3,500 (PD) AND ADOPTING A PRECISE DEVELOPMENT PLAN FOR A 65-UNIT RESIDENTIAL DEVELOPMENT ON A 6.94-ACRE SITE LOCATED NORTH OF LAUREL ROAD AND EAST OF WALNUT GROVE DRIVE (APN: 726-01-008)

- 7 [16-536](#) ADOPT ORDINANCE 2209, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION DA-15-05 FOR APPLICATION MC-14- 16: LAUREL-TRI POINTE HOMES DEROSE AND MC 15-06: LAUREL DEROSE. THE PROPERTY IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 726-01-008 IS LOCATED NORTH OF LAUREL ROAD AND EAST OF WALNUT GROVE DRIVE
- 8 [16-538](#) ADOPT ORDINANCE 2210, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING OF A DEVELOPMENT AGREEMENT AMENDMENT, DAA-15-02: SAN PEDRO PRESIDEO ALLOWING FOR THE INCORPORATION OF FOUR FY 2017-18 ALLOCATIONS, MODIFICATION OF THE UNIT SIZES, CLARIFICATION OF THE NOISE ATTENUATION REQUIREMENTS AND ELIMINATION OF THE REQUIREMENT TO INSTALL SOLAR VOLTAIC SYSTEMS ON THE UNITS. THE PROPERTY, IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 817-01-001, LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SAN PEDRO AVENUE AND CHURCH STREET (MANA INVESTMENTS, OWNER).
- 9 [16-539](#) ADOPT ORDINANCE 2211, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE ZONING FROM THE CC-R MIXED USE DISTRICT TO CC-R (PD) AND APPROVING A PRECISE DEVELOPMENT PLAN TO ALLOW FOR A 12-UNIT RESIDENTIAL DEVELOPMENT ON A 0.913-ACRE SITE LOCATED ON THE SOUTH SIDE OF EAST CENTRAL AVENUE BETWEEN MONTEREY ROAD AND MCLAUGHLIN AVENUE (APN 726-23-020)
- 10 [16-540](#) ADOPT ORDINANCE 2212, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION DA-14-11: MONTEREY-CENTRAL ECA. THE PROPERTY IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 726-23-020 IS LOCATED ON THE SOUTH SIDE OF EAST CENTRAL AVENUE BETWEEN MONTEREY ROAD AND MCLAUGHLIN AVENUE

11 [16-543](#) APPROVE THE JULY 20, 2016 REGULAR CITY COUNCIL MEETING MINUTES

Pulled at the request of the Council for clarification.

Council Member Siebert clarified that the National Night Out event will take place on Tuesday August 2nd.

Action: On a motion by Council Member Siebert and seconded by Council Member Librers, approving the minutes. The motion passed by the following vote:

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

Noes: 0

Absent: 0

PUBLIC HEARINGS:

12 [16-542](#) REPORT ON QUALITY OF LIFE SURVEY AND CONSIDERATION OF A SALES TAX AND/OR GENERAL OBLIGATION BOND NOVEMBER 2016 BALLOT MEASURE(S)

Assistant City Manager for Administrative Services Christina Turner presented the staff report. Charles Hester, Vice President of Godbe Research, continued the report.

The public hearing was opened at 8:06 p.m.

Doug Muirhead was called to speak.

Susan Mister was called to speak.

Allen Palmer was called to speak.

Joseph Carrillo was called to speak.

Armando Benavides was called to speak.

Hearing no further requests to speak, the public hearing was closed.

The meeting went into recess at 8:36 p.m.

The meeting was reconvened at 8:43 p.m.

Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Librers, not placing a general obligation bond or sales tax measure on the November 2016 ballot. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Tate

Noes: 1 - Siebert

Absent: 0

OTHER BUSINESS:

- 13 [16-524](#) MORGAN HILL 2035 PROJECT: ENVIRONMENTAL IMPACT REPORT (EIR); GENERAL PLAN UPDATE; AND RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDACS) UPDATE.

Community Development Director Andrew Crabtree, Senior Planner John Baty, and Joanna Jansen with Placeworks presented the report.

The meeting went into recess at 10:07 p.m.

The meeting was reconvened at 10:17 p.m.

The public comment was opened at 10:26 p.m.

Vincent Rocha was called to speak.

Mr. Tom was called to speak.

Allen Palmer was called to speak.

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

Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Librers, extending the meeting to 11:30 p.m. 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 Siebert, adopting resolution 16-127 certifying that the Morgan Hill 2035 Project Environmental Impact Report (EIR) is found to be complete, correct, and in substantial compliance with the requirements of the California Environmental Quality Act (CEQA), which includes findings of overriding considerations, and adopting the Mitigation Monitoring and Reporting Program (MMRP) for the Morgan Hill 2035 Project. 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, adopting resolution 16-128 approving the Morgan Hill 2035 General Plan removing the following sentence under the heading Southeast Quadrant (SEQ) ; "The SEQ is planned to include long term agricultural uses; sports and recreation related uses, including retail and dining establishments; a private high school; and residential uses", adding Pipeline Provision Policy CNF-1.3; for a period of up to 24 months following the adoption date of the Morgan Hill 2035 General Plan, zoning amendment and discretionary development permit applications may be considered for General Plan conformance to the land use designations shown on the final adopted version of the 2001 General Plan Land Use Map. All of the "Pipeline" applications benefitting from this policy must have been submitted to the City, including full payment of fees, prior to adoption of this General Plan and their review must be completed within this same 24-month period and deleting the Vista de Lomas Action. 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, adopting resolution 16-129 placing the RDCS Update Ordinance, amending Chapter 18.78 of the Morgan Hill Municipal Code ("Residential Development Control System"), on the November 2016 General Election ballot setting the annual allotments at 215 with the corresponding population ceiling, adding the language "for holding municipal elections" to the end of the sentence in Section 14 of the resolution, adding the following language to the ballot measure ordinance; establish March 1, 2017 as effective date of new RDCS so that there is no overlap with the upcoming RDCS competition that begins in September 2016 and ends in February 2017, and making the following modifications to Section 11.3; renumber Policy CNF-3.10 to CNF-3.13 to continue list of CNF-3.xx policies and adding Policy CNF 3.14 Agricultural Preservation Setasides. Set aside at least 300 allotments for housing that may be applied anywhere in the City through 2035. Receipt projects must directly establish permanent agricultural conservation easements within the City's Priority Conservation Area and within the City limits, and modifying section 18.78.110 Number of available allotments, item B to read "No later than six months prior to the RDCS application submittal deadline each year, there shall be annual review of the number of available allotments for an RDCS competition year upon finding that:". The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 1 - Constantine

Absent: 0

Action: On a motion by Council Member Carr and seconded by Council Member Librers, authorizing the City Clerk or other authorized person to submit a "Measure Lettering Justification Form" to the Registrar of Voters Office justifying why a particular letter(s) should not be assigned to a specific measure. 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 Siebert asked staff to come back with a draft letter to the MTC regarding the Caltrans comment regarding the City paying for the building of Highway 101 and during the mid-year review have the City Manager come back with the next steps regarding infrastructure.

Council Member Carr asked that an item be agendaized in August regarding the South County Courthouse and to invite someone from the County and/or Court to attend the meeting.

ADJOURNMENT

The meeting was adjourned at 11:33 p.m.

MINUTES PREPARED BY:

Michelle Wilson, Deputy City 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 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