



Meeting Minutes
City Council
Steve Tate ~ Mayor
Rich Constantine ~ Mayor Pro Tem
Marilyn Librers ~ Council Member
Larry Carr ~ Council Member
Gordon Siebert ~ Council Member

Wednesday, December 7, 2016 6:30 PM Council Chamber
17555 Peak Avenue
Morgan Hill, CA 95037

SPECIAL/REGULAR MEETING

A Special Meeting of the City Council was called at 6:30 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

6:30 P.M.

CALL TO ORDER

The meeting was called to order at 6:33 p.m.

ROLL CALL ATTENDANCE

- Present:** 4 - Council Member Carr, Council Member Librers, Council Member Siebert, Mayor Tate
- Absent:** 0
- Excused:** 1 - Mayor Pro Tem Constantine

DECLARATION OF POSTING OF AGENDA

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

CLOSED SESSION

City Attorney Donald Larkin read the closed sessions into the record.

OPPORTUNITY FOR PUBLIC COMMENT

*The public comment was opened at 6:34 p.m.
Hearing no requests to speak, the public comment was closed.*

ADJOURN TO CLOSED SESSION

The special meeting adjourned to closed session at 6:34 p.m.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Authority: Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Yong Sohn, MD v. City of Morgan Hill, et al.
Case Number: Santa Clara County Superior Court Case No: 1-14-CV-273626

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to: Government Code Section 54956.8
Property: APNs 773-06-016 and 773-06-015, 905 West Main Avenue
Negotiating Parties:
 City: Steve Rymer and Chris Ghione
 Property Owner(s): Pravettoni & Hinds
Under Negotiation: Price and Terms of Payment

RECONVENE

The meeting was reconvened at 7:03 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Donald Larkin announced that in the matter of Yong Sohn, MD v. the City of Morgan Hill, the City Council, on a 4-0 vote with Council Member Constantine absent, approved a settlement in the amount of \$250,000.

REGULAR MEETING

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Carr thanked Council Member Siebert for his great counsel and friendship. He also thanked Council Member Sieberts' wife Esther, for loaning Council Member Siebert to the City for many years. He spoke regarding his work with the Valley Transportation Authority (VTA). He shared that the VTA is going through process to look at and possibly revamp the way that public transportation services are provided throughout Santa Clara County. It is an effort to try and get to a higher farebox recovery, we have one of the lowest farebox recoveries in the country when it comes to public transportation. Our task as Council Members will be to stay engaged in that process to try and preserve as much of the public transportation that we have as possible. The VTA planning right now is headed in the direction of eliminating everything except express buses out of south county. It will be about a six month process. Council Member Carr has asked the VTA and their staff to be much more engaged with our community as they have these discussion and the VTA staff is currently working with City staff to setup a workshop before a council meeting so that the Council and community can be up to speed on the direction that these things are headed.

RECOGNITION OF SERVICE

City Council Member Gordon Siebert
City Treasurer Michael Roorda

CITY MANAGER'S REPORT

City Manager Steve Rymer thanked all of the years of service award winners for their dedication and hard work. He continued by recognizing the 2016 Peak Performance Award Winners for their outstanding achievements.

Peak Performance Recognitions

Employee of the Year

Richard Guzman

Hilary Holeman

Customer Service

Mindy Zen

Innovation

Nicole Yates

Professional Growth

Daniel Cardwell

Meeting Challenges

John Baty

Steve Golden

Teamwork

Charlie Ha

Nichole Martin

Fist Bump

Josh Grant

Dedication + Service

Derek Bowman

Jenna Luna

Jesus Contreras

Dealer of Debits and Credits

Gina Nazareno

Mission Possible

Jennie Tucker

Extra (S)mile

Erica Corona

Couldn't Have Done It Without You

Ken DeLuna

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin thanked Council Member Siebert for his support and guidance. He spoke regarding the ABAG Plan board meeting that he attended. The Plan, which is an excess insurance pool, is in very good shape. Morgan Hill in particular is also in very good shape within the plan.

OTHER REPORTS

Council Member Librers shared that she had the honor of representing the City of Morgan Hill at the League of California Cities Goal Setting Session. She then traveled to China to represent the City of Morgan Hill on an economic development trip. She shared that it has been her honor serving on the Council with Council Member Siebert and wished him well.

Council Member Siebert thanked our involved citizens and he encouraged the community to get involved and stay involved in City government. He thanked his colleagues, sharing that it has been his pleasure to serve with all of them. He thanked them for their respect and hard work. He thanked Dennis Kennedy for providing inspiration to serve on the Council. He reminded the community that it will be up to them working with the Council to decide how the community functions.

Mayor Tate shared that the next Coffee with the Mayor will take place this Saturday at 10:00 a.m. at Booksmart. He will be joined by Maureen Tobin, the City's Communication and Engagement Manager.

PUBLIC COMMENT

*The public comment was opened at 7:38 p.m.
Joseph Carrillo was called to speak.
Ann Horner and Cynthia Liu were called to speak.
Hearing no further requests to speak, the public comment was closed.*

ADOPTION OF AGENDA

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

Ayes: 4 - Siebert, Tate, Librers, Carr

Noes: 0

Absent: 1 - Constantine

CONSENT CALENDAR:

Approval of the Consent Calendar

Action: On a motion by Council Member Siebert and seconded by Council Member Librers approving Consent Calendar items 1 through 18. The motion passed by the following vote:

Ayes: 4 - Siebert, Tate, Librers, Carr

Noes: 0

Absent: 1 - Constantine

- 1 [16-619](#) ACCEPT DRILLING OF FOUR WATER SUPPLY WELLS PROJECT
- 2 [16-779](#) AWARD SERVICE AGREEMENT FOR DESIGN PROFESSIONALS FOR THE HALE AVENUE PLAN LINE PROJECT
- 3 [16-786](#) AWARD CONSULTANT AGREEMENT FOR RIGHT OF WAY ACQUISITION SERVICES FOR THE HALE AVENUE EXTENSION PROJECT
- 4 [16-791](#) AWARD OF POLICE FACILITY CARPET REPLACEMENT PROJECT
- 5 [16-792](#) AWARD OF LANDSCAPING MAINTENANCE AGREEMENT FOR GROUP 5
- 6 [16-764](#) DAVID J. POWERS AND ASSOCIATES, INC. - MASTER ENVIRONMENTAL CONSULTING CONTRACT
- 7 [16-785](#) SUBORDINATION AGREEMENT FOR CITY'S CONTRIBUTION TO SILICON VALLEY CLEAN ENERGY AUTHORITY (SVCE)
- 8 [16-803](#) FIRST AMENDMENT TO CONSULTANT AGREEMENT WITH NYANDA AND ASSOCIATES LLC, DBA HOUSEKEYS TO EXTEND EXISTING BMR ADMINISTRATION AGREEMENT AND ADD CITY HOUSING RELATED LOAN ADMINISTRATION SERVICES
- 9 [16-801](#) SECOND AMENDMENT TO CONSULTANT AGREEMENT WITH KEYSER MARSTON ASSOCIATES, INC. (KMA) FOR BELOW MARKET RATE (BMR) HOUSING IN-LIEU FEE RECOMMENDATIONS
- 10 [16-799](#) SECOND AMENDMENT TO CONSULTANT AGREEMENT WITH STROMBOTNE LAW FIRM FOR HOUSING RELATED LEGAL SERVICES
- 11 [16-793](#) FIFTH AMENDMENT TO THE CRC PARTNERSHIP AGREEMENT
- 12 [16-800](#) COMPLIANCE WITH SURPLUS LAND ACT (AB 2135) AND "ONE BAY AREA" GRANT (OBAG) FUNDING
- 13 [16-810](#) UPDATE ON 2016 BALLOT MEASURES
- 14 [16-815](#) COUNCIL SUPPORT OF PROPOSED SANTA CLARA COUNTY DESIGNATION AS A NATIONAL HERITAGE AREA
- 15 [16-809](#) 2017 SILICON VALLEY CLEAN ENERGY AUTHORITY (SVCE) ENROLLMENT AND UPGRADE TO 100% RENEWABLE ENERGY

- 16 [16-776](#) 2017 HAZARDOUS VEGETATION PROGRAM
- 17 [16-784](#) RESIGNATION OF PLANNING COMMISSIONER RENE SPRING
- 18 [16-788](#) APPOINTMENT TO THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY'S BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

OTHER BUSINESS:

19 [16-795](#)

EL TORO TRAIL ACCESS AND PARTNERSHIP OPPORTUNITY FOR LAND ACQUISITION WITH THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY

Community Services Director Chris Ghione presented the report along with Matt Freeman and Andrea Mackenzie with the Open Space Authority.

*Mayor Tate called a recess at 8:16 p.m.
The meeting was reconvened at 8:26 p.m.*

The public comment was opened at 8:35 p.m.

Julie Trump was called to speak.

Adrienne Dias was called to speak.

Steve Chappell was called to speak.

Joe McMorrow was called to speak.

Craig van Keulen was called to speak.

Susan Bernardini was called to speak.

Jennifer Klein was called to speak.

Ron Erskine was called to speak.

Debbie Persons was called to speak.

Brian Faircloth was called to speak.

Bob Wilson was called to speak.

Kathy Sullivan was called to speak.

Rich Bergin was called to speak.

Rosy Bergin was called to speak.

Lisa Bjarke was called to speak.

John Hughes was called to speak.

Beth Wyman was called to speak.

Joseph Carrillo was called to speak.

David Sebald was called to speak.

Alex Kennett was called to speak.

Allan Bueno was called to speak.

Eric Namek was called to speak.

Daniel Redfield was called to speak.

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

The Mayor called a recess at 9:53 p.m.

The meeting was reconvened at 10:01 p.m.

Action: On a motion by Council Member Carr and seconded by Council Member Librers, adopting resolution 16-195 authorizing the City Manager to enter into an acquisition funding agreement with the Santa Clara Valley Open Space Authority (OSA) for the acquisition of property for future open space preservation and public trail access, which states that the MOU needs to be negotiated and approved prior to the Lot Line Adjustment that would be required for the sale of the home on the Acton property; directing the City and the OSA to discuss through an open public process, the issues of crime and public safety, litter, preservation of El Toro, fire safety, overuse, particularly non-local overuse, trespassing, traffic, and parking; and directing that the MOU/Agreement establish that any future plan for public access will follow all City planning processes, including going through the Parks and Recreation Commission for review and that the City Council will have final approval of any public access plan; that the City and OSA will continue discussions with the church for the south access because the City's current strategy of the south access continues to be the City's strategy; the values and goals for this acquisition and this partnership with the OSA, first and foremost the preservation of El Toro and the wildlife, a cooperation agreement with community involvement, state what the City's community interests are in this property and in opening it up to public access, state the City's guidelines for design, management and use would be, and include restoration of the mountain to its natural state. The motion

passed by the following vote:

Ayes: 4 - Siebert, Tate, Librers, Carr

Noes: 0

Absent: 1 - Constantine

20 [16-794](#) ADOPT MITIGATED NEGATIVE DECLARATION FOR DOWNTOWN CREEK PARK

Community Services Director Chris Ghione presented the report.

The public comment was opened at 10:03 p.m.

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

Action: On a motion by Council Member Carr and seconded by Council Member Siebert, adopt resolution 16-196 adopting a Mitigated Negative Declaration (MND) and related Mitigation Monitoring and Reporting Program (MMRP) for the Downtown Creek Park. The motion passed by the following vote:

Ayes: 4 - Siebert, Tate, Librers, Carr

Noes: 0

Absent: 1 - Constantine

21 [16-802](#) SETTLEMENT AND RELEASE OF BELOW MARKET RATE REQUIREMENTS FOR MONTEREY DYNASTY LLC - DIAMOND CREEK PROJECT

Housing Manager Rebecca Garcia presented the report.

The public comment was opened at 10:18 p.m.

Richard Liaw.

John Telfer.

Bill McClintock.

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

Action: On a motion by Council Member Carr and seconded by Council Member Librers, accepting a housing in-lieu payment of \$2,750,000 from Monterey Dynasty LLC, as satisfaction of the outstanding Residential Development Control System (RDCS) Below Market Rate (BMR) commitment to provide 13 units within the Diamond Creek project and authorizing the City Manager to take actions needed, including the execution of a settlement agreement, to complete the proposed transaction. The motion

passed by the following vote:

Ayes: 3 - Tate, Librers, Carr

Noes: 1 - Siebert

Absent: 1 - Constantine

22 [16-806](#) UPDATE ON CITY'S UNFUNDED LIABILITIES

Finance Director Dat Nguyen and Assistant City Manager Christina Turner presented the report.

The public comment was opened at 10:48 p.m.

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

No action required or taken.

Accept report on the City's unfunded liabilities.

23 [16-781](#) APPROVE THE USE OF ELECTRONIC FILING FOR CAMPAIGN FINANCE DISCLOSURE STATEMENTS

Deputy City Clerk Michelle Wilson presented the report.

The public comment was opened at 10:56 p.m.

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

Action: On a motion by Council Member Carr and seconded by Council Member Siebert, waiving the first and second reading of ordinance 2225. The motion passed by the following vote:

Ayes: 4 - Siebert, Tate, Librers, Carr

Noes: 0

Absent: 1 - Constantine

Action: On a motion by Council Member Carr and seconded by Council Member Siebert, introducing ordinance 2225 adding Section 1.16.040 (Electronic Filing of Campaign Statements) to Chapter 1.16 (Elections) of the Morgan Hill Municipal Code. The motion passed by the following vote:

Ayes: 4 - Siebert, Tate, Librers, Carr

Noes: 0

Absent: 1 - Constantine

24 [16-775](#) RESPONSE TO STATE HIGHWAY 101 CONGESTION

Public Works Director Bjarke presented the report.

The public comment was opened at 11:00 p.m.

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

No action taken.

Action: On a motion by Council Member Siebert and seconded by Council Member Librers, extending the meeting until 11:27 p.m. The motion passed by the following vote:

Ayes: 4 - Siebert, Tate, Librers, Carr

Noes: 0

Absent: 1 - Constantine

25 [16-818](#) RESIGNATION OF CITY COUNCIL MEMBER GORDON SIEBERT

The public comment was opened at 11:06 p.m.

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

No action required or taken.

Accept the resignation of City Council Member Gordon Siebert effective December 8, 2016.

FUTURE COUNCIL INITIATED AGENDA ITEMS:

Mayor Tate suggested that he draft a response to the presidential election in the form of a letter or resolution that is appropriate for Morgan Hill to bring forward to the next meeting.

ADJOURNMENT

The meeting was adjourned at 11:08 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**