



## **Meeting Minutes**

### **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 1, 2017**

**5:30 PM**

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

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### **SPECIAL MEETING**

**5:30 P.M.**

A special meeting of the City Council was called at 5:30 p.m. for the purpose of conducting a workshop.

### **CALL TO ORDER**

*The workshop was called to order at 5:35 p.m.*

### **ROLL CALL ATTENDANCE**

**Present:** 5 - Mayor Pro Tem Carr, Council Member Constantine, Mayor Tate, Council Member Spring, Council Member Robinett Jachimowicz

**Absent:** 0

### **DECLARATION OF POSTING OF AGENDA**

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

**WORKSHOP:**1 [17-054](#)**THE PURPOSE OF THE WORKSHOP IS TO DISCUSS  
PROPOSITION 64 AND RELATED POLICIES**

*City Manager Steve Rymer and Police Chief David Swing provided the presentation.*

*The public comment was opened at 6:35 p.m.*

*Michael Orosco was called to speak.*

*Liam Downey was called to speak.*

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

*The workshop was adjourned at 6:47 p.m.*

**REGULAR MEETING****7:00 P.M.**

*The regular meeting was called to order at 7:00 p.m.*

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

*Council Member Spring shared that the Council is currently working on its assignments to outside agencies and that once the assignments are complete he will announce his assignments. He has felt very warmly welcomed by the City teammates and his colleagues on the Council. He stated that he will not change and encouraged the community to continue to seek him out and share their thoughts with him.*

**CITY MANAGER'S REPORT**

*City Manager Steve Rymer recognized three teammates Lisa Cvitanich, Mireya Escobar, and Prisma Renteria and their supervisor, Harjot Sangha, for living our core values of teamwork and customer service and for streamlining processes.*

*He noted that there was an incorrect date in the resolution for item 4 that has been corrected. For item 6, he also noted that due to system limitations, the minutes for the December 14, 2016 meeting reflected that former Council Member Librers was absent for the meeting. That has been corrected.*

*He concluded by speaking to the evening's supplements and presentations.*

**CITY ATTORNEY'S REPORT**

*City Attorney Donald Larkin had no reports.*

**OTHER REPORTS**

*Mayor Tate announced that there will be a coffee with the Mayor at Grinds, Vines, and Automobiles this Saturday from 10:00 a.m. to 11:30 a.m. with Council Member Jachimowicz as his guest. He also announced that the State of the City Address will take place on Tuesday, February 21, 2017 at 7:00 p.m. in the Council Chamber.*

**PROCLAMATIONS**[17-076](#)**PROCLAIMING THE WEEK OF FEBRUARY 5-11, 2017  
AS FUTURE BUSINESS LEADERS OF AMERICA WEEK**

*Future Business Leaders of America (FBLA) Co-Presidents Randy Hau and Brooke Waller provided a presentation on what the FBLA is and does.*

**PUBLIC COMMENT**

*The public comment was opened at 7:10 p.m.  
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 Council Member Constantine and seconded by Mayor Pro Tem Carr, adopting the agenda as posted. The motion passed by the following vote:**

**Ayes:** 5 - Carr, Constantine, Tate, Spring, Robinett Jachimowicz

**Noes:** 0

**Absent:** 0

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

**Action: On a motion by Council Member Spring and seconded by Council Member Robinett Jachimowicz, approving Consent Calendar items 2, 3, 5, and 7 through 11. The motion passed by the following vote:**

**Ayes:** 5 - Carr, Constantine, Tate, Spring, Robinett Jachimowicz

**Noes:** 0

**Absent:** 0

- 2    [17-049](#)    APPROVAL OF AN AMENDMENT TO THE LEGAL SERVICES CONSULTANT AGREEMENT WITH THE LAW FIRM OF GARY M. BAUM FOR OUTSIDE COUNSEL SERVICES TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT TO \$60,000
  
- 3    [17-023](#)    APPROVE SOFTWARE SERVICES LICENSING AGREEMENT FOR WATER AND SEWER ASSETS AND NETWORK MANAGEMENT

- 5    [17-042](#)    ACCEPT MONTEREY ROAD SANITARY SEWER MANHOLE  
INSTALLATION PROJECT
- 7    [17-035](#)    AQUATICS CENTER RESIDENT LAP LANE RENTAL CHARGES
- 8    [17-045](#)    RESOLUTION AUTHORIZING ADDITIONAL PACE  
ADMINISTRATORS
- 9    [17-026](#)    APPROVE THE DECEMBER 14, 2016 SPECIAL CITY COUNCIL  
MEETING MINUTES
- 10   [17-056](#)    APPROVE THE JANUARY 18, 2017 SPECIAL/REGULAR CITY  
COUNCIL MEETING MINUTES
- 11   [17-057](#)    APPROVE THE JANUARY 25, 2017 SPECIAL/REGULAR CITY  
COUNCIL MEETING MINUTES
- 4    [17-046](#)    APPROPRIATION OF FUNDS FOR PURCHASE PROPERTY

*Item pulled at the request of the Council.*

*Community Services Director Chris Ghione provided the report.*

*Council Member Spring stated for the record that if he votes to approve this land purchase, it is under the intention that it will never be used for anything other than sports, recreation, and leisure (SRL) or for an agricultural easement.*

**Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Spring, adopting resolution 17-008 approving an amendment to the City's fiscal year 2016/17 annual budget in the Park Impact Fund (301) to appropriate \$1,900,000 to allocate funds for the purchase of property adjacent to the Aquatics Center and Outdoor Sports Center stating that the intended use of the property is for recreation purposes, should in the future, the City determine that property will not have a recreation use, an agricultural easement will be placed over the property. The motion passed by the following vote:**

**Ayes:** 5 - Carr, Constantine, Tate, Spring, Robinett Jachimowicz

**Noes:** 0

**Absent:** 0

6     [17-040](#)     REJECT ALL BIDS FOR THE FOURTH STREET & MONTEREY ROAD  
SIGNALIZATION PROJECT

*Item pulled at the request of the Council.*

*Engineering and Utilities Director Karl Bjarke provided the report.*

*The public comment was opened at 7:28 p.m.*

*Joseph Carrillo was called to speak.*

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

**Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Constantine, rejecting all bids and directing staff to rebid the project. The motion passed by the following vote:**

**Ayes:** 5 - Carr, Constantine, Tate, Spring, Robinett Jachimowicz

**Noes:** 0

**Absent:** 0

**PUBLIC HEARINGS:**

12     [17-048](#)     ZONING AMENDMENT, ZA2016-008/ DEVELOPMENT AGREEMENT,  
DA2016-0009/ ENVIRONMENTAL ASSESSMENT, EA2016-0012:  
DEPOT - SUNSWEET MORGAN HILL, LLC.: REQUEST FOR A  
ZONING AMENDMENT AND DEVELOPMENT AGREEMENT FOR A  
MIXED-USE PROJECT CONSISTING OF 83 RESIDENTIAL UNITS  
AND 5,760 SQUARE FEET OF COMMERCIAL SPACE  
ON A 1.65- ACRE SITE LOCATED ON THE WEST SIDE OF DEPOT  
STREET, BETWEEN EAST THIRD STREET AND EAST FOURTH  
STREET (APN(S) 726-13-044, 032 & 054)

*Economic Development Director Edith Ramirez and Interim Planning Manager Terry Linder provided the report.*

*Mayor Tate called a recess at 8:02 p.m.*

*The meeting was reconvened at 8:09 p.m.*

*The public hearing was opened at 8:38 p.m.*

*Michael Van Every was called to speak.*

*Cindy Teale was called to speak.*

*John McKay was called to speak.*

*Nora Monaco was called to speak.*

*Rocke and Glenda Garcia were called to speak.*

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

**Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Constantine, waiving the first and second reading of Ordinance 2231 establishing a Planned Development Zoning District incorporating a Precise Development Plan with the requirement that a parking program be brought back that limits residential parking to only onsite parking and requires a minimum number of onsite parking spots.**

**The motion passed by the following vote:**

**Ayes:** 4 - Carr, Constantine, Tate, Robinett Jachimowicz

**Noes:** 1 - Spring

**Absent:** 0

**Action: On a motion by Council Member Constantine and seconded by Mayor Pro Tem Carr, introducing Ordinance 2231 with the amendment that all references to the square footage throughout the ordinance be changed to a minimum of 7,859 square feet. The motion passed by the following vote:**

**Ayes:** 4 - Carr, Constantine, Tate, Robinett Jachimowicz

**Noes:** 1 - Spring

**Absent:** 0

**Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Constantine, waiving the first and second reading of Ordinance 2232 approving the Development Agreement. The motion passed by the following vote:**

**Ayes:** 4 - Carr, Constantine, Tate, Robinett Jachimowicz

**Noes:** 1 - Spring

**Absent:** 0

**Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Constantine, introducing Ordinance 2232. The motion passed by the following vote:**

**Ayes:** 4 - Carr, Constantine, Tate, Robinett Jachimowicz

**Noes:** 1 - Spring

**Absent:** 0

**13    [17-041](#)            RESOLUTIONS AUTHORIZING THE SANTA CLARA COUNTY  
CONSUMER AND ENVIRONMENTAL PROTECTION AGENCY TO  
ABATE WEEDS**

*Program Administrator Anthony Eulo provided the report.*

*The public hearing was opened at 10:09 p.m.*

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

**Action: On a motion by Council Member Constantine and seconded by Mayor Pro Tem Carr, adopting resolution 17-011 authorizing the County Consumer and Environmental Protection Agency to abate weeds, excluding parcel numbers struck out of the attached list. The motion passed by the following vote:**

**Ayes:** 5 - Carr, Constantine, Tate, Spring, Robinett Jachimowicz

**Noes:** 0

**Absent:** 0

**Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Constantine, adopting resolution 17-012 authorizing the County Consumer and Environmental Protection Agency to abate weeds, excluding parcel numbers struck out of the attached list. The motion passed by the following vote:**

**Ayes:** 4 - Carr, Constantine, Spring, Robinett Jachimowicz

**Noes:** 0

**Absent:** 0

**Recused:** 1 - Tate

**FUTURE COUNCIL INITIATED AGENDA ITEMS:**

*Council Member Constantine asked that staff return with a parking audit for downtown parking providing the current number of spaces along with the anticipated number of spaces. He would like to know if there is sufficient parking or if the City is in need of more parking.*

*Council Member Spring asked that staff look into the possibility of vacant lots downtown that can be converted to temporary parking. He would also like the team to look into adding more handicapped parking spaces.*

*City Manager Steve Rymer spoke to the Council's request to evaluate how future items are added to the agenda.*

*Council Member Jachimowicz requested that staff determine, for Council consideration, what short term or long term resources would be needed to further the following efforts: Consider outreach steps in the furtherance of Morgan Hill's commitment to inclusiveness in light of new immigration challenges.*

- Determine if there are existing public or nonprofit programs or legal services available to residents separated from family members because of recent immigration changes*
- Determine if there are existing community-based programs trained on providing counseling to minority youth*

**CLOSED SESSION**

*City Attorney Donald Larkin read the closed session into the record.*

**OPPORTUNITY FOR PUBLIC COMMENT**

*The public comment was opened at 10:17 p.m.*

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

**ADJOURN TO CLOSED SESSION**

*The meeting adjourned to closed session at 10:17 p.m.*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**Authority:**

**Government Code 54957(b)(1)**

**Title:**

**City Manager**

**RECONVENE**

*The meeting reconvened at 10:45 p.m.*

**CLOSED SESSION ANNOUNCEMENT**

*No reportable action.*

**ADJOURNMENT**

*The meeting was adjourned at 10:45 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](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