



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, December 16, 2015

7:00 PM

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

Amended Agenda

AMENDED AGENDA

CALL TO ORDER

7:00 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 Wilson declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

CITY MANAGER'S REPORT

City Manager Steve Rymer spoke regarding the Holiday furlough in which City offices will be closed December 24th through January 3rd. The offices will re-open on Monday January 4th. He spoke regarding the Morgan Hill Loves SB50 event this Saturday at the Outdoor Sports Center at 4:00 p.m. He recognized the Peak Performance Award Winners, the new City teammates and the teammates that were recognized for their years of service to the organization and community. He concluded by speaking to the evenings presentations and supplements.

CITY ATTORNEY'S REPORT

Interim City Attorney Gary Baum had no reports.

OTHER REPORTS

Council Member Constantine recognized the Peak Performance Award winners and all City teammates for their outstanding teamwork.

PUBLIC COMMENT

*The public comment was opened at 7:23. p.m.
Richard Vanella was called to speak and requested that two items be added to future agendas: that a redress regarding 40 trees that were removed in the Solara Ranch Division and the removal of height limitations of buildings within the City be discussed.
The public comment was closed at 7:25 p.m.*

PRESENTATIONS[15-897](#)

YAC PRESENTATION- ASSET #1 - FAMILY SUPPORT

[15-896](#)

PEAK PERFORMANCE AWARD WINNERS

Challenge**Teamwork****Professional Growth****Customer Service****Innovation****Thx 26x/yr****Pathfinder**

Fist Bump**Employees of the Year****ADOPTION OF AGENDA**

Adopt 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 Mayor Pro Tem Carr and seconded by Council Member Siebert approving Consent Calendar item 1 through 4 and 7 through 28. The motion passed by the following vote:

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

Noes: 0

Absent: 0

- 1 [15-848](#) 2015-16 AVOID THE 13 DUI CAMPAIGN MEMORANDUM OF UNDERSTANDING
- 2 [15-854](#) 2016 HAZARDOUS VEGETATION PROGRAM
- 3 [15-861](#) AB 1600 DEVELOPMENT IMPACT FEE REPORT FOR FISCAL YEAR 2014-15
- 4 [15-866](#) ADDENDUM TO PARTNERSHIP OPERATING AGREEMENT WITH THE YMCA OF SILICON VALLEY

- 5 [15-868](#) ADOPT ORDINANCE 2180, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT FOR THE 12-UNIT CALLE SIENA PROJECT LOCATED ON THE NORTHERLY SIDE OF EAST MAIN AVENUE, APPROXIMATELY 420 FEET EASTERLY OF GRAND PRIX WAY (APN: 726-20-053)

Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Siebert, Waive the reading, Adopt Ordinance No. 2180 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.. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 0

Recused: 1 - Constantine

- 6 [15-869](#) ADOPT ORDINANCE 2181, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT FOR THE DEL MONTE - GIOVANNI PROJECT LOCATED ON THE EAST SIDE OF DEL MONTE AVENUE, 600 FEET NORTH OF WRIGHT AVENUE. THE AMENDMENT EXTENDS THE OBTAIN BUILDING PERMIT DATE THREE MONTHS AND THE COMMENCEMENT OF CONSTRUCTION DATE SIX MONTHS FOR THE SIX FISCAL YEAR 2014-2015 BUILDING ALLOCATIONS

Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Siebert, Waive the reading, Adopt Ordinance No. 2181 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.. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 0

Recused: 1 - Tate

- 7 [15-873](#) AMENDMENT TO MEMORANDUM OF UNDERSTANDING WITH THE SANTA CLARA VALLEY WATER DISTRICT
- 8 [15-859](#) APPROVAL OF TRACTOR AND FLAIL MOWER PURCHASE
- 9 [15-871](#) APPROVE AMENDMENT TO MOU WITH SOUTH SANTA CLARA COUNTY FIRE DISTRICT FOR FEMA GRANT AND AUTHORIZE PURCHASE FOR TWO SCBA FILL STATIONS
- 10 [15-846](#) APPROVE RIGHT OF WAY AND SLOPE EASEMENT DEDICATIONS TO THE COUNTY OF SANTA CLARA FOR THE DEWITT AVENUE S-CURVE REALIGNMENT PROJECT

- 11 [15-710](#) APPROVE SECOND AMENDMENT TO THE SERVICE AGREEMENT FOR DESIGN PROFESSIONALS WITH HARRIS & ASSOCIATES FOR DEVELOPMENT REVIEW SERVICES

- 12 [15-879](#) APPROVE THE AUGUST 5, 2015 SPECIAL/REGULAR CITY COUNCIL MEETING MINUTES

- 13 [15-880](#) APPROVE THE SEPTEMBER 2, 2015 REGULAR CITY COUNCIL MEETING MINUTES

- 14 [15-881](#) APPROVE THE SEPTEMBER 16, 2015 SPECIAL/REGULAR CITY COUNCIL MEETING MINUTES

- 15 [15-882](#) APPROVE THE OCTOBER 7, 2015 SPECIAL/REGULAR CITY COUNCIL MEETING MINUTES

- 16 [15-883](#) APPROVE THE OCTOBER 9, 2015 SPECIAL CITY COUNCIL MEETING MINUTES

- 17 [15-884](#) APPROVE THE OCTOBER 21, 2015 SPECIAL/REGULAR CITY COUNCIL MEETING MINUTES

- 18 [15-885](#) APPROVE THE NOVEMBER 4, 2015 SPECIAL/REGULAR CITY COUNCIL MEETING MINUTES

- 19 [15-819](#) AWARD A PROFESSIONAL SERVICES AGREEMENT WITH CSG CONSULTANTS, INC. TO PROVIDE INSPECTION SERVICES FOR PUBLIC WORKS AND BUILDING PROJECTS

- 20 [15-863](#) COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2015

- 21 [15-875](#) CREATE FLEXIBLY STAFFED CLASSIFICATION SERIES

- 22 [15-824](#) DOMESTIC VIOLENCE RESPONSE TEAM GRANT FUNDS FROM COMMUNITY SOLUTIONS

- 23 [15-874](#) FIFTH SEMI-ANNUAL REPORT ON POST-ISSUANCE COMPLIANCE PROCEDURES FOR TAX ADVANTAGED BONDS

- 24 [15-790](#) FOLLOW UP REPORT ON COMMUNITY AND CULTURAL CENTER ENERGY EFFICIENCY PROJECT

- 25 [15-584](#) LICENSE AGREEMENT WITH GEORGE CHIALA FARMS

- 26 [15-864](#) OCTOBER 2015 FINANCIAL AND INVESTMENT REPORT

- 27 [15-865](#) PART-TIME TEMPORARY AND SEASONAL EMPLOYEES
RESOLUTION AND CALIFORNIA MINIMUM WAGE
- 28 [15-818](#) UPDATE TO CITY COUNCIL POLICIES AND PROCEDURES 94-11
ENTITLED "RESPONSIBILITY OF CITY COUNCIL DURING LOCAL
EMERGENCY"

PUBLIC HEARINGS:

- 29 [15-853](#) IMPLEMENTATION OF A COMMUNITY CHOICE ENERGY PROGRAM

Council Member Carr excused himself from the dais.

Interim City Attorney Gary Baum announced that Council Member Carr has recused himself in order to avoid the appearance of a conflict of interest. He also announced that he represents the cities of Cupertino, Mountain View and Sunnyvale but not on this item.

Program Administrator Anthony Eulo presented the report. The public comment was opened at 7:58 p.m. Doug Muirhead was called to speak and encouraged the City to delay its decision to allow for more community engagement. The public comment was closed at 8:00 p.m.

The Mayor called a recess at 8:06 p.m.

The meeting was reconvened at 8:14 p.m.

Action: On a motion by Council Member Constantine and seconded by Council Member Siebert, Accept the Silicon Valley Community Choice Energy Technical Study Draft Report.

The motion passed by the following vote:

Ayes: 4 - Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

Abstain: 1 - Carr

Action: On a motion by Council Member Constantine and seconded by Council Member Siebert, Waive the first and second reading of ordinance 2182

. The motion passed by the following vote:

Ayes: 4 - Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

Abstain: 1 - Carr

Action: On a motion by Council Member Constantine and seconded by Council Member Librers, Introduce ordinance 2182 authorizing the implementation of a community choice aggregation program and the City's participation in the Silicon Valley Clean Energy Authority.

. The motion passed by the following vote:

Ayes: 4 - Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

Abstain: 1 - Carr

Action: On a motion by Council Member Constantine and seconded by Council Member Siebert, Adopt resolution 15-308 with the following actions:

- a. Approving the "Joint Powers Agreement Establishing the Silicon Valley Clean Energy Authority,"
- b. Finding that the proposed actions are exempt from the California Environmental Quality Act, and
- c. Appropriating up to \$150,000 in recoverable seed funds in the FY 15/16 Environmental Programs budget.. The motion passed by the following vote:

Ayes: 4 - Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

Abstain: 1 - Carr

Action: On a motion by Council Member Siebert and seconded by Council Member Constantine, Appoint Mayor Tate to serve as a Director of the Authority.. The motion passed by the following vote:

Ayes: 4 - Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

Abstain: 1 - Carr

Meeting went into Recess

Meeting Reconvened

Action: On a motion by Council Member Constantine and seconded by Council Member Librers, Appoint the City Manager or his designee to serve as an alternate Director.. The motion passed by the following vote:

Ayes: 4 - Constantine, Librers, Siebert, Tate

Noes: 0

Absent: 0

Abstain: 1 - Carr

OTHER BUSINESS:

- 30 [15-872](#) PROVIDE DIRECTION TO STAFF ON INCLUDING ITEM ZA-14-13: PEAK-AMAS ON A FUTURE CITY COUNCIL MEETING AGENDA FOR RECONSIDERATION: A ZONING AMENDMENT TO CHANGE THE CURRENT ZONING FROM R-3(C) CONDITIONAL TO R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT AND CLARIFY COUNCIL DIRECTION FOR FUTURE REQUESTS TO RECONSIDER

Mayor Tate provided background on the item.

Council Member Siebert requested that the item be agendized for a future meeting as a member of the prevailing side.

The public comment was opened at 8:17 p.m.

Kathy Diefenbach shared that she does not understand why the item is being reagendized.

The public comment was closed at 8:18 p.m.

- 31 [15-852](#) LOCATION FOR "NEVER FORGOTTEN" THE TARA ALISH ROMERO SCULPTURE

Community Services Supervisor Jennie Tucker presented the report.

The public comment was opened at 8:24 p.m.

Joseph Romero was called to speak and shared that he would prefer to have the memorial placed at the Community and Cultural Center.

The public comment was closed at 8:25 p.m.

Action: On a motion by Council Member Constantine and seconded by Mayor Tate, 1) Approve the Morgan Hill Civic Center Demonstration Garden as the permanent location for "Never Forgotten" the Tara Alish Romero Sculpture; and

2) Adopt resolution 15-309 authorizing the City Manager to execute and administer documents necessary to accept the donation of the Sculpture.. The motion passed by the following vote:

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

Noes: 0

Absent: 0

32 [15-830](#) SPAY AND NEUTER PROGRAM

Police Captain Shane Palsgrove presented the report.

The public comment was opened at 8:38 p.m.

Ava Geddes was called to speak and encouraged the City to participate in the Spay and Neuter Program.

Sarah Kelly was called to speak and spoke in support of the program and encouraged the City to participate in the program.

The public comment was closed at 8:45 p.m.

Action: On a motion by Council Member Constantine and seconded by Council Member Librers, 1. Accept report, and

2. Provide direction the City Manager to contribute \$1,500 from the General Fund for the remainder of fiscal year 2015/16 and have it added as a line item to the 2016/17 budget.

. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Tate

Noes: 1 - Siebert

Absent: 0

33 [15-870](#) CITYWIDE MINIMUM WAGE COMMUNITY ENGAGEMENT PROCESS REPORT

Human Resources Manager Michelle Katsuyoshi and Management and Talent Exchange Participant Kurt Luenberger presented the report.

The public comment was opened at 9:19 p.m.

Jessica Lynam was called to speak and spoke on behalf of the Morgan Hill members of the California Restaurant Association and spoke in support of staff's recommended actions.

The public comment was closed at 9:20 p.m.

Action: On a motion by Council Member Constantine and seconded by Mayor Pro Tem Carr, Receive report on community outreach and engagement regarding minimum wage considerations.

. 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 Mayor Pro Tem Carr, Direct staff to return to Council with the results of San Jose's minimum wage study.. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 1 - Constantine

Absent: 0

This Staff Report was directed.

34 [15-858](#) AMENDMENT TO MEDICAL MARIJUANA ORDINANCES

Police Captain Jerry Neumayer presented the report.

The public comment was opened at 9:42 p.m.

Doug Muirhead was called to speak and spoke in opposition to staff's recommended actions.

The public comment was closed at 9:44 p.m.

**Action: On a motion by Council Member Siebert and seconded by Council Member Constantine, 1. Waive the first and second reading of ordinance 2183 ; and
2. Introduce Ordinance Amending Chapter 9.16 and Section 18.02.075 of Morgan Hill Municipal Code Imposing a Ban on Marijuana Cultivation, Delivery, and Dispensaries.. The motion passed by the following vote:**

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

Noes: 0

Absent: 0

Meeting went into Recess

Meeting Reconvened

Action: On a motion by Council Member Constantine and seconded by Council Member Siebert, Introduce Ordinance 2183 Amending Chapter 9.16 and Section 18.02.075 of Morgan Hill Municipal Code Imposing a Ban on Marijuana Cultivation, Delivery, and Dispensaries.. The motion passed by the following vote:

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

Noes: 0

Absent: 0

PUBLIC HEARINGS:

The Mayor called a recess at 9:52 p.m.

The meeting was reconvened at 9:58 p.m.

35 [15-844](#) AP 15-07- APPEAL OF THE PLANNING COMMISSION'S
EVALUATION OF RESIDENTIAL DEVELOPMENT CONTROL
SYSTEM (RDCS) APPLICATION MC-15-12 (JARVIS-MWEST)
-PROPOSED DEVELOPMENT WOULD BE 374 RENTAL UNITS AT
FULL BUILD-OUT. THE PROPERTIES, IDENTIFIED BY ASSESOR
PARCEL NUMBER(S) 726-25-078, 726-25-079, 726-25-066 AND
726-25-067, ARE LOCATED AT THE NORTHEAST CORNER OF
JARVIS DRIVE AND MONTEREY ROAD (MWEST PROPCO.,
APPLICANT).

Senior Planner Gina Paolini presented the report.

The public comment was opened at 10:04 p.m.

Kerry Williams and Paul Anderson was called to speak and poke on behalf of the project.

The public comment was closed at 10:20 p.m.

Action: On a motion by Council Member Siebert and seconded by Council Member Librers, Extend 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 Constantine and seconded by Council Member Siebert, Adopt resolution 15-310 denying the appeal.. The motion passed by the following vote:

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

Noes: 0

Absent: 0

OTHER BUSINESS:**36 [15-850](#) MORGAN HILL 2035: ZONING CODE UPDATE**

The public comment was opened at 11:20 p.m.

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

Review, discuss, and provide feedback on the approach, schedule, and recommended outline for the Morgan Hill Zoning Code Update.

FUTURE COUNCIL INITIATED AGENDA ITEMS:

Mayor Tate asked that the City Manager research the missing trees in the Solara Ranch development and the removal of building height restrictions.

Community Development Director Andrew Crabtree clarified the issues.

Council Member Siebert asked the City Manager for a recap of last year's City Council Initiated Future Business Items.

ADJOURNMENT

The meeting was at 11:25 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. 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