



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, March 2, 2016

7:00 PM

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

CALL TO ORDER

Mayor Pro Tem Constantine called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Present: 4 - Council Member Carr, Mayor Pro Tem Constantine, Council Member Librers,
Council Member Siebert

Absent: 1 - Mayor Tate

DECLARATION OF POSTING OF AGENDA

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Librers encouraged the public to watch Mayor Tate's State of the City report. She announced that the League of California Cities Peninsula Division will have a presentation about the high speed rail this month, she will be happy to report back anything that has to do with our City from that meeting.

CITY MANAGER'S REPORT

City Manager Rymer recognized SCCSET, Santa Clara County Special Enforcement Task Force for their efforts to helping keep our community safe. He announced that the tarantula will be in Morgan Hill at 8 a.m. tomorrow morning and invited the community to watch it be installed. He announced that over the course of the next few months we will be planning a community celebration once we are done with all the projects to recognize the efforts of a variety of people, thank the downtown for their efforts and celebrate all the accomplishments with the public investment that is leading to private investments. He concluded by speaking on the evening's supplements and presentations.

CITY ATTORNEY'S REPORT

Interim City Attorney Baum had no report.

OTHER REPORTS

No other reports.

PROCLAMATION**PUBLIC COMMENT**

Mayor Pro Tem Constantine opened public comment at 7:10 p.m. Hearing no request to speak the public comment was closed.

ADOPTION OF AGENDA

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

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

CONSENT CALENDAR:

Council Member Siebert abstained on item number 1

Mayor Pro Tem Constantine pulled item 4.

Action: On a motion by Council Member Librers and seconded by Council Member Carr, approving consent calendar items 1 through 3, 5 and 6 with an abstention by Council Member Siebert on item number 1. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

- 1 [16-107](#) AWARD OF OAK CANYON BOOSTER STATION REHABILITATION PROJECT

- 2 [16-112](#) GALVAN PARK PROJECT UPDATE
- 3 [16-111](#) BIKEWAYS, TRAILS, PARKS AND RECREATION MASTER PLAN
UPDATE
- 4 [16-060](#) STATUS UPDATE ON REGIONAL MINIMUM WAGE EFFORTS

Item pulled for discussion.

Economic Development Coordinator John Lang presented the staff report.

Mayor Pro Tem Constantine asks that this matter be brought back to Council to try and tie the State's minimum wage to CPI, he would like a report on that and the enforcement and what the cost would be.

Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Carr, Accepting the report on the status of San Jose's regional minimum wage study and other related minimum wage updates. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

- 5 [16-113](#) APPROVE THE FEBRUARY 17, 2016 SPECIAL/REGULAR CITY
COUNCIL MEETING MINUTES

Approve Minutes.

- 6 [16-114](#) APPROVE THE FEBRUARY 19, 2016 SPECIAL CITY COUNCIL
MEETING MINUTES

Approve Minutes.

PUBLIC HEARINGS:

- 7 [16-035](#) ZONING AMENDMENT, SUBDIVISION, AND DEVELOPMENT
AGREEMENT APPLICATIONS, ZA-14-23/SD-14-12/DA-14-10: EAST
DUNNE-BUSK

Community Development Director Andrew Crabtree presented the staff report.

Mayor Pro Tem Constantine opened the public hearing at 7:38 p.m.

Vince Burgos was called to speak

Anita Warner was called to speak

Ed Merrell was called to speak

John Telfer was called to speak

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

Action: On a motion by Council Member Siebert and seconded by Council Member Carr, Diferring this item to the March 16, 2016 meeting so that the applicant has time to meet with the neighbor. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

8 [16-128](#) ZONING AMENDMENT, ZA-15-14/ENVIRONMENTAL ASSESSMENT,
EA-15-10: MONTEREY & THIRD-RODRIGUES

Community Development Director Crabtree presented the staff report.

Mayor Pro Tem Constantine opened the public hearing at 8:19 pm

Ken Rodriguez was called to speak

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

Meeting went into Recess

Meeting Reconvened

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

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

Action: On a motion by Council Member Carr and seconded by Council Member Siebert, Introducing Ordinance 2193 approving Zoning Amendment ZA-15-14. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

OTHER BUSINESS:

9 [16-117](#) CITY MANAGER AMENDED AND RESTATED EMPLOYMENT
AGREEMENT

Mayor Pro Tem Constantine presented the staff report.

Action: On a motion by Council Member Carr and seconded by Council Member Librers, approving the City Manager's Amended and Restated Employment Agreement. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

10 [16-104](#) ECONOMIC BLUEPRINT

Economic Development Coordinator John Lang presented the staff report.

Mayor Pro Tem Constantine opened the public comment at 8:54

Liam Downey was called to speak

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

Action: On a motion by Council Member Librers and seconded by Council Member Carr, Accepting the report on Economic Blueprint. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

11 [16-122](#) MORGAN HILL AND SOUTH COUNTY RECYCLED WATER
PLANNING

Deputy Director for Utility Services Dan Repp presented the staff report along with Garth Hall and Katrina Jessop from the Santa Clara Valley Water District, Tony Akel, P.E. of Akel Engineering Group and Michael Price, P.E. of MWH Americas, Inc. Mayor Pro Tem Constantine opened public comment at 9:55 p.m. Doug Muirhead was called to speak. Hearing no further request to speak the public comment was closed.

Action: On a motion by Council Member Siebert and seconded by Council Member Librers, receiving report on 2015 South County Recycled Water Master Plan Update, accepting 2015 Morgan Hill Recycled Water Feasibility Evaluation, and directing staff to proceed with further analysis of long term water supply strategies including groundwater recharge using recycled water. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

12 [16-124](#) CITY-WIDE AGRICULTURAL LANDS PRESERVATION PROGRAM -
IMPLEMENTATION ACTIONS

Community Development Director Crabtree Presented the staff report. Mayor Pro Tem Constantine opened public comment at 10:22 pm. Gordon Jacoby was called to speak. Hearing no further request to speak, the public comment was closed.

Action: On a motion by Council Member Carr and seconded by Council Member Librers, adopting resolution 16-034 directing staff to take the following actions in order to advance the adopted City-wide Agricultural Lands Preservation Program: renaming the existing Open Space Fund to the "Agriculture and Open Space Preservation Fund", establishing an Agricultural Lands Mitigation Bank and direct staff to work with the selected consultant to establish the same, dedicating an initial amount of \$6 million from the City's Agriculture and Open Space Preservation Fund for Agricultural Land Conservation and evaluating agricultural land preservation partnership opportunities within the County as detailed in the Open Space Authority's "Santa Clara Valley Greenprint" and other complementary plans, especially those in close proximity to Morgan Hill. The motion passed by the following vote:

Ayes: 3 - Carr, Librers, Siebert

Noes: 1 - Constantine

Absent: 1 - Tate

13 [16-126](#) CALL FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON
TUESDAY, JUNE 7, 2016 FOR THE SUBMISSION TO THE
QUALIFIED VOTERS AN ORDINANCE

City Clerk Irma Torrez presented the staff report.

Mayor Pro Tem Constantine opened public comment at 10:45 pm

Asit Panwala was called to speak

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

Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Siebert, Adopting resolution 16-035 calling for the holding of a special municipal election to be held on Tuesday, June 7, 2016 for the Submission to the Qualified Voters an Ordinance. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Siebert, Adopting Resolution 16-036 Requesting the Board of Supervisors of the County of Santa Clara to Consolidate a Special Municipal Election to be held on Tuesday, June 7, 2016 with the Statewide Primary Election. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 1 - Tate

Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Siebert, Adopting Resolution 15-037 Providing for Written Arguments Regarding a Referendum and Directing the City Attorney to Prepare an Impartial Analysis, Providing for the Filing of Rebuttal Arguments and authorizing Mayor Tate to write the rebuttal argument. The motion passed by the following vote:

Ayes: 3 - Carr, Constantine, Siebert

Noes: 1 - Librers

Absent: 1 - Tate

FUTURE COUNCIL INITIATED AGENDA ITEMS:

CLOSED SESSION

Interim City Attorney Baum announced that the Closed Session is cancelled.

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

PUBLIC EMPLOYMENT

Authority: Code 54954(b)(1)
Title: Attorney Recruitment

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

There being no further business, Mayor Pro Tem Constantine adjourned the meeting at 11:16 p.m.

MINUTES PREPARED BY:

Angie Gonzalez, 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.

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