



## **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***

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**Wednesday, June 1, 2016**

**6:30 PM**

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

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#### **SPECIAL MEETING**

**6:30 P.M.**

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

#### **CALL TO ORDER**

*Mayor Tate called the special/regular meeting to order at 6:31 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**

*Minutes Clerk Angie Gonzalez declared the porting of the agenda.*

**OPPORTUNITY FOR PUBLIC COMMENT**

*Interim City Attorney Baum opened public comment at 6:31 p.m.  
Hearing no requests to speak, the public comment was closed.*

**CLOSED SESSION**

*Interim City Attorney Baum read the closed session in to the record.*

**ADJOURN TO CLOSED SESSION**

*The meeting was Adjourned to closed session at 6:32 p.m.*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**Authority:** Pursuant to Government Code Section 54956.9(d)(1)  
**Case Name:** City of Morgan Hill v. Kim Porzio, et al.  
**Case Number:** Santa Clara County Superior Court Case No: 1-14-CV-265762  
**Attendees:** City Manager; Interim City Attorney, Special Counsel

**RECONVENE**

*Mayor Tate convened to the regular meeting at 7:01 p.m.*

**REGULAR MEETING**

**7:00 P.M.**

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

*Council Member Librers reported on her trip to China. The purpose of the trip was to promote Morgan Hill with a focus on encouraging Chinese businesses to come to our business parks and help utilize some of our industrial space. She clarified that she was a guest of the Chinese government and the trip was at no cost to the City.*

**CITY MANAGER'S REPORT**

*City Manager Steve Rymer recognized Lisa Rick, Aquatics Coordinator, for living our core value of meeting challenges. He thanked her for her dedication and tireless efforts. He announced that the Friday Night Music Series, kicks of this Friday and goes through August 26th. He shared that we are continuing our three free days at the Aquatic Center for Morgan Hill residents. The first will be on June 10th, there will be another one in July and in August. The 9th annual Splash to Dash Youth Triathlon will be on Saturday June 11th. He concluded by speaking on the evening's supplements.*

### **CITY ATTORNEY'S REPORT**

*Interim City attorney Gary Baum announced that there was no reportable action on the closed session.*

### **OTHER REPORTS**

*Mayor Tate announced the last coffee with the Mayor at Booksmart will be this Saturday at 10:00-11:20 and a flag raising ceremony at the Community and Cultural Center will follow.*

*Council Member Carr announced that tomorrow, on the VTA Board of Directors agenda, the board will possibly be taking action on a measure for a half cent-30 year sales tax to improve transportation and transit projects throughout the county.*

### **PUBLIC COMMENT**

*Mayor Tate opened public comment at 7:08 p.m.  
Hearing no 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 Carr, adopting the agenda as presented. The Motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

### **CONSENT CALENDAR:**

**Action: On a motion by Council Member Carr and seconded by Mayor Pro Tem Constantine, approving consent calendar items 1 through 11. The motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

- 1 [16-351](#) ACCEPT SIDEWALK REPLACEMENT PROJECT
  
- 2 [16-394](#) ADOPT ORDINANCE 2200, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT (DAA-06-04 G: DIANA-SHERIMAR), A 117-UNIT RESIDENTIAL PROJECT LOCATED ON THE SOUTH SIDE OF DIANA AVENUE AND WEST RINGEL DRIVE, EAST OF MURPHY (APNS 728-20-01, 02, 03, 12, 37 & 38) EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR 22, FISCAL YEAR 2014-2015 BUILDING ALLOTMENTS FOR TWELVE MONTHS

- 3     [16-395](#)     ADOPT ORDINANCE 2201, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT (DAA-09-05C: COCHRANE -BORELLO), A 244 UNIT SINGLE FAMILY RESIDENTIAL PROJECT LOCATED NORTH OF HALF ROAD, WEST OF COCHRANE ROAD, EAST OF PEET ROAD (APN 728-34-008), EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATES FOR FISCAL YEARS 2013-14, AND 2015-16
- 4     [16-396](#)     ADOPT ORDINANCE 2202, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT (DAA-14-03: BUTTERFIELD-DIVIDEND), A 78 UNIT RESIDENTIAL PROJECT LOCATED ON THE NORTHWEST AND NORTHEAST CORNERS OF THE INTERSECTION OF BUTTERFIELD BOULEVARD AND CENTRAL AVENUE (APN 726-26-005) EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR 41, FISCAL YEAR 2015-2016 BUILDING ALLOTMENTS AND INCORPORATING 37, FISCAL YEAR 2017-2018 ALLOTMENTS AND CORRESPONDING DEVELOPMENT COMMITMENTS FROM MC 15-15: BUTTERFIELD-MH BUTTERFIELD INVESTORS
- 5     [16-397](#)     ADOPT ORDINANCE 2203, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING TITLE 18, DIVISION I, ZONING CODE TO AMEND CHAPTER 18.04 "DEFINITIONS", AMEND CHAPTER 18.14 - R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT, SECTION 18.14.040-CONDITIONAL USES, AMEND CHAPTER 18.16 - R-3 MEDIUM-DENSITY RESIDENTIAL DISTRICT, SECTION 18.16.040-CONDITIONAL USES, AMEND CHAPTER 18.17 - R-4 HIGH-DENSITY RESIDENTIAL DISTRICT, SECTION 18.17.040-CONDITIONAL USES, AMEND CHAPTER 18.19- PUBLIC FACILITIES DISTRICT, SECTION 18.19.030-CONDITIONAL USES, AMEND CHAPTER 18.20-CN NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 18.20.030-CONDITIONAL USES, AMEND CHAPTER 18.22-CG GENERAL COMMERCIAL DISTRICT, SECTION 18.22.030-CONDITIONAL USES, AMEND CHAPTER 18.24 CC-R CENTRAL COMMERCIAL/RESIDENTIAL DISTRICT, SECTION 18.24.070-CONDITIONAL USES, AMEND CHAPTER 18.25 - CL-R LIGHT COMMERCIAL/RESIDENTIAL DISTRICT, SECTION 18.25.030-CONDITIONAL USES, OF THE MORGAN HILL MUNICIPAL CODE
- 6     [16-390](#)     APRIL 2016 FINANCIAL AND INVESTMENT REPORT
- 7     [16-364](#)     CALL FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016

- 8 [16-389](#) FIRST AMENDMENT TO AGREEMENT WITH FIRATO SERVICE COMPANY
- 9 [16-326](#) FOURTH AMENDMENT TO THE CRC PARTNERSHIP AGREEMENT
- 10 [16-377](#) MONTEREY ROAD UTILITY UNDERGROUND - CONTRACT
- 11 [16-383](#) REBUILD TOGETHER HOME REPAIR PROGRAM

**PUBLIC HEARINGS:**

- 12 [16-398](#) PUBLIC HEARING FOR THE FY 2016-17 AND 2017-18 RECOMMENDED OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGETS

*Assistant City Manager for Administrative Services Christina Turner presented the staff report.*

*Mayor Tate opened the public hearing at 7:30 p.m.*

*Kathy Sullivan was called to speak.*

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

*No action taken.*

- 13 [16-374](#) ORDINANCE ADDING A NEW CHAPTER 15.23 (BELOW MARKET RATE (BMR) PROGRAM ADMINISTRATION) TO TITLE 15 (HOUSING CODE) OF THE MORGAN HILL MUNICIPAL CODE, ADDING 15.23.10 PURPOSE, 15.23.20 DEFINITIONS, 15.23.30 APPLICABILITY, 15.23.40 DUTIES OF PROGRAM ADMINISTRATOR, 15.23.50 OCCUPANCY AND SALE RESTRICTIONS, 15.23.60 AFFORDABLE HOUSING AGREEMENT, 15.23.70 APPROVED PROGRAM PARTICIPANTS AND VENDORS, 15.23.80 DEFAULT, FORCLOSURE, LOSS OF UNIT, 15.23.90 ANNUAL REPORT, AND 15.23.95 ENFORCEMENT

*Assistant City Manager for Community Development Leslie Little presented the staff report.*

*Mayor Tate opened the public hearing at 7:38 p.m.*

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

**Action: On a motion by Council Member Carr and seconded by Council Member Siebert, waiving the first and second reading of Ordinance 2204. 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 Mayor Pro Tem Constantine, introducing ordinance 2204. The motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

### **OTHER BUSINESS:**

- 14 [16-344](#) UPDATE ON COMMUNITY QUALITY OF LIFE SERVICE PRIORITIES ENGAGEMENT PROCESS

*Communications and Engagement Manager Maureen Tobin presented the staff report.*

*Mayor Tate opened public comment at 7:56 p.m.*

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

**Action: On a motion by Council Member Librers and seconded by Mayor Pro Tem Constantine, receiving the report. The motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

15 [16-387](#) CALIFORNIA HIGH SPEED RAIL AUTHORITY (CHSRA)  
REIMBURSEMENT AGREEMENT AND RELATED ACTIONS

*Economic Development Coordinator Edith Ramirez presented the staff report and introduced Ben Tripousis who gave a presentation on the High Speed Rail.*

*Mayor Tate opened public comment at 9:00 p.m.  
Hearing no requests to speak, the public comment was closed.*

**Action: On a motion by Council Member Carr and seconded by Mayor Pro Tem Constantine, adopting resolution 16-092 reaffirming the City of Morgan Hill's position that Highway 101 is the preferred alignment for High Speed Rail (HSR) through Morgan Hill. 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 Mayor Pro Tem Constantine, adopting resolution 16-093 approving a Consultant Agreement with David J. Powers and Associates for technical support services related to environmental review of High Speed Rail, including a budget amendment of \$64,810, directing the City Manager to negotiate and enter into a Reimbursement Agreement with the California High Speed Rail Authority in substantially the same form as the Agreement attached to the report for reimbursement of staff time and consultant work related to the City's review of the High Speed Rail project, directing the City Manager to negotiate and enter into a Consultant Agreement with Apex Strategies for policy and advocacy support with regional and state agencies regarding High Speed Retail project and other regional transportation initiatives, including a budget amendment of \$97,125, and directing the Morgan Hill team to coordinate a group of cities and governmental entities to advocate for South County-related regional issues associated with High Speed Rail and other regional transportation initiatives. The motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

16 [16-385](#) LEASE WITH OPTION TO PURCHASE OF LAND FOR FUTURE  
PARKING AND RECREATION FACILITIES

*Community Services Director Chris Ghione presented the Staff Report.*

*Mayor Tate opened public comment at 9:08 p.m.  
Lydia Pine 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 Siebert, adopting resolution 16-094 authorizing the City Manager to execute all documents, agreements and payments necessary to enter into a lease with option to purchase for ten acres of land for future sports and recreation facilities and related purposes. The motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

- 17 [16-392](#) MUNICIPAL CODE AMENDMENT (ZA-16-04: STREET TREES) AN AMENDMENT TO TITLE 12, CHAPTER 12.23 RESTRICTIONS ON REMOVAL OF SIGNIFICANT TREES TO ADD SEPARATE SPECIFIC PROVISIONS FOR THE REPLACEMENT OF STREET TREES

*Community Development Director Andrew Crabtree presented the staff report.*

*Mayor Tate opened public comment at 9:19 p.m.*

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

**Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Carr, waiving the first and second reading of ordinance 2205. The motion passed by the following vote**

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

**Noes:** 0

**Absent:** 0

**Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Carr, introducing Ordinance 2205. The motion passed by the following vote:**

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

**Noes:** 0

**Absent:** 0

**FUTURE COUNCIL INITIATED AGENDA ITEMS:**

*None.*

**ADJOURNMENT**

*There being no further business, Mayor Tate adjourned the meeting at 9:20 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 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**