



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, August 24, 2016

6:30 PM

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

SPECIAL/REGULAR MEETING

(6:30 P.M. CLOSED SESSION/ 7:00 P.M. 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

Mayor Tate called the meeting to order at 6:30 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 posting of the agenda.

CLOSED SESSION**OPPORTUNITY FOR PUBLIC COMMENT**

*Mayor Tate opened public comment at 6:31 p.m.
Hearing no requests to speak, the public comment was closed.*

ADJOURN TO CLOSED SESSION

City Attorney Donald Larkin read the closed session into the record. The meeting adjourned to closed session at 6:31 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to: **Government Code Section 54956.9(d)(2)**
Number of Cases: **One (1)**

RECONVENE

The meeting was reconvened at 7:01 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Donald Larkin announced that there was no reportable action.

REGULAR MEETING

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

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

Council Member Librers reported that she was a guest at the City of San Jose's luncheon celebrating Women's Equality Day. They were then taken into the City of San Jose's Council meeting and were given a proclamation recognizing women in politics, women executives, and recognizing that women are no longer precluded from being in any type of occupation. She said it was a very inspirational day and she was honored to represent the City of Morgan Hill.

CITY MANAGER'S REPORT

City Manager Steve Rymer recognized Bruce Cavena in the Community Services Department for upholding our core values of customer service and teamwork. You might see Bruce downtown making sure our parking structure, all our new public investments, and the side streets are kept clean and safe. He thanked Bruce and his teammates for their efforts. City Manager Steve Rymer announced the 14th Annual Second Chance Week, a community garage sale for Morgan Hill and San Martin which will be on September 10th and 11th. Gilroy will follow with theirs on the weekend of the 17th and 18th. He reminded the community to be mindful of our water usage and concluded by speaking to the evening's supplements.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no report.

OTHER REPORTS

Mayor Tate challenged the City Council to think of ways to get the Youth Action Council more involved. He asked that they send their ideas to him and he would present them to YAC at their next meeting.

PUBLIC COMMENT

*Mayor Tate opened public comment at 7:08 p.m.
Richard Vanella was called to speak.
Joseph Carrillo was called to speak.
Kathy Sullivan was called to speak.
Hearing no further requests to speak, the public comment was closed.*

CONSENT CALENDAR:

For item 6, Mayor Tate asked that YAC be added to the list of people that should be consulted for the Library expansion design contract.

For item 9, City Manager Rymer disclosed that his home is within the area that is served by the Oak Canyon Booster Station.

Action: On a motion by Council Member Carr and seconded by Mayor Pro Tem Constantine, approving consent calendar items 1 through 3 and 5 through 16 with the abstentions of Council Member Siebert on item 9 and Mayor Tate on item 11. The motion passed by the following vote:

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

Noes: 0

Absent: 0

- 1 [16-568](#) APPOINT DONALD A. LARKIN, CITY ATTORNEY, TO REPRESENT THE CITY OF MORGAN HILL ON THE ABAG PLAN CORPORATION BOARD OF DIRECTORS
- 2 [16-512](#) COMMUNITY LAW ENFORCEMENT FOUNDATION OF MORGAN HILL DONATION AND IN-KIND DONATION OF EQUIPMENT FROM THE NON-PROFIT ORGANIZATION RACING HEARTS
- 3 [16-584](#) COMMUNITY GARDEN EXPANSION AND RELOCATION
- 5 [16-507](#) ADOPTION OF 2015 SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI)
- 6 [16-563](#) APPROVE SERVICE AGREEMENT FOR DESIGN PROFESSIONALS WITH WESTON MILES ARCHITECTS FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE LIBRARY EXPANSION PROJECT

- 7 [16-510](#) SECOND AMENDMENT TO AGREEMENT WITH KENNEDY/JENKS CONSULTANTS FOR THE EAST DUNNE AVENUE RESERVOIR PROJECT
- 8 [16-575](#) SECOND AMENDMENT TO FIRATO SERVICE COMPANY AGREEMENT
- 9 [16-544](#) SECOND AMENDMENT TO SERVICE AGREEMENT FOR DESIGN PROFESSIONALS WITH HYDROSCIENCE ENGINEERS, INC. FOR THE OAK CANYON BOOSTER STATION REHABILITATION PROJECT

Action: On a motion by Council Member Carr and seconded by Mayor Pro Tem Constantine, adopting resolution 16-138 authorizing the City Manager to execute a second amendment to service agreement for design professionals with HydroScience Engineers, Inc. for \$19,140 to continue to provide engineering services for the Oak Canyon Booster Station Rehabilitation project. The motion passed by the following

vote:

Ayes: 4 - Carr, Constantine, Librers, Tate

Noes: 0

Absent: 0

Abstain: 1 - Siebert

- 10 [16-548](#) FINAL MAP APPROVAL FOR SAN SEBASTIAN PHASE 1B - TRACT NO. 10330
- 11 [16-576](#) ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS FOR EDMUNDSON PARK - TRACT NO. 10135 AND PIAZZA PARK - TRACT NO. 10136

Action: On a motion by Council Member Carr and seconded by Mayor Pro Tem Constantine, adopting resolution 16-140 accepting the subdivision public improvements for Edmundson Park - Tract No. 10135 and Piazza Park - Tract No. 10136, authorizing the Public Works Director to sign a notice of completion, and directing the City Clerk to file the notice of completion with the Recorder of Santa Clara County. The

motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Librers, Siebert

Noes: 0

Absent: 0

Abstain: 1 - Tate

- 12 [16-589](#) ACCEPTANCE OF AQUATICS CENTER IRRIGATION DEMONSTRATION PROJECT

- 13 [16-574](#) AUTHORIZE THE PURCHASE OF A RESERVE FIRE ENGINE
- 14 [16-525](#) CENTENNIAL RECREATION CENTER FITNESS EQUIPMENT PURCHASE
- 15 [16-588](#) APPROVE THE AUGUST 5, 2016 CITY COUNCIL MID-YEAR GOAL REVIEW WORKSHOP MINUTES
- 16 [16-585](#) APPROVE THE JULY 27, 2016 REGULAR CITY COUNCIL MEETING MINUTES
- 4 [16-503](#) FISCAL YEAR 2016-2017 AND 2017-2018 SCHOOL RESOURCE OFFICER AGREEMENT WITH MORGAN HILL UNIFIED SCHOOL DISTRICT

Item pulled for discussion.

Chief Swing presented the staff report.

Action: On a motion by Mayor Pro Tem Constantine and seconded by Council Member Carr adopting resolution 16-133 authorizing the City Manager to execute a two-year agreement with the Morgan Hill Unified School District to provide school resource officer services for Fiscal Year 2016-2017 and 2017-2018. The motion passed by the following vote:

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

Noes: 0

Absent: 0

OTHER BUSINESS:

- 17 [16-103](#) COUNCIL POLICY FOR COMMUNITY SIGNS AND COMMUNITY ACTIVITY SIGNS ON CITY PROPERTY

Economic Development Coordinator John Lang presented the staff report.

Mayor Tate opened public comment at 7:27 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, approving amendment to Council Policy 15-01 to clarify the use and placement of community activity signs on city property. 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 Council Policy 15-02 that outlines the use and placement of community signs on city property. The motion passed by the following vote:

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

Noes: 0

Absent: 0

18 [16-505](#) UPDATE ON REGIONAL MINIMUM WAGE EFFORTS

Economic Development Coordinator John Lang presented the staff report.

Mayor Tate opened the public comment at 7:43 p.m.

Sean Rositano was called to speak.

John Horner was called to speak.

Robert Airoidi was called to speak.

Katrina Recore was called to speak.

Joseph Carrillo was called to speak.

Jessica Lynam was called to speak.

Maria Noel Fernandez was called to speak.

Joe Tartaglia was called to speak.

Patricia Tartaglia was called to speak.

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

The meeting went into recess at 8:04 p.m.

The meeting was reconvened at 8:13 p.m.

No action taken.

**19 [16-577](#) DEVELOPMENT SERVICES REVIEW PRESENTATION AND
RECOMMENDED UPGRADES TO ONE SENIOR PLANNER AND ONE
SENIOR CIVIL ENGINEER POSITIONS**

City Manager Steve Rymer presented the staff report.

Mayor Tate opened public comment at 9:05 p.m.

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

No action taken.

PUBLIC HEARINGS:**20 [16-561](#) EXPEDITED SOLAR PERMITTING ORDINANCE - AB 2188**

Building Official Ken Deluna presented the staff report.

Mayor Tate opened the public hearing at 9:11 p.m.

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

Action: On a motion by Council Member Carr and seconded by Mayor Pro Tem Constantine, waiving the first and second reading of ordinance 2213. 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 2213. The motion passed by the following vote:

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

Noes: 0

Absent: 0

21 [16-493](#) APPROVAL OF 2015 URBAN WATER MANAGEMENT PLAN

Assistant Director for Utilities Division Dan Repp, Program Administrator Anthony Eulo, and Tony Akel presented the staff report.

*Mayor Tate opened the public hearing at 9:53 p.m.
Ken Murray was called to speak.
Hearing no further requests to speak, the public hearing was closed.*

*The meeting went into recess at 9:59 p.m.
The meeting was reconvened 10:03 p.m.*

Action: On a motion by Council Member Carr and seconded by Mayor Pro Tem Constantine, adopting resolution 16-144 adopting 2015 Urban Water Management Plan. The motion passed by the following vote:

Ayes: 5 - Carr, Constantine, Librers, Siebert, Tate
Noes: 0
Absent: 0

22 [16-562](#) ZONING AMENDMENT, ZA-16-01/ DEVELOPMENT AGREEMENT, DA2016-0005: CONDIT - MANA. APN 817-12-009 IS LOCATED ON THE NORTHWEST SIDE OF SAN PEDRO AVENUE AND MURPHY AVENUE; PRESIDIO - EVERGREEN, LLC

Associate Planner Tiffany Brown presented the staff report.

*Mayor Tate opened the public hearing at 10:17 p.m.
Orville Power was called to speak.
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 Librers, waiving the first and second reading of Zoning Amendment Ordinance 2214. 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 Librers, introducing Zoning Amendment Ordinance 2214. 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 Librers, waiving the first and second reading of Development Agreement Ordinance 2215. 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 Librers, introducing Development Agreement Ordinance 2215. The motion passed by the following vote:

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

Noes: 0

Absent: 0

23 [16-571](#)

ZONING AMENDMENT, ZA2016-0005: WALNUT GROVE - MORGAN HILL. APN'S 726-07-021;-023,-024 AND -089 ARE LOCATED ON THE EAST SIDE OF WALNUT GROVE DRIVE SOUTH OF DIANA AVENUE

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

Mayor Tate opened the public hearing at 10:27 p.m.

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

Action: On a motion by Council Member Siebert and seconded by Mayor Pro Tem Constantine, waiving first and second reading of Zoning Amendment Ordinance 2216. 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 Siebert and seconded by Mayor Pro Tem Constantine, introducing Zoning Amendment Ordinance 2216. The motion passed by the following vote:

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

Noes: 0

Absent: 0

FUTURE COUNCIL INITIATED AGENDA ITEMS:

Council Member Siebert asked that staff explore the addition of the one water district that is just south of us that has a failing water system. He asked that staff bring it back for policy direction.

ADJOURNMENT

There being no further business, Mayor Tate adjourned the meeting at 10:30 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.

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