



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, October 19, 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.

Present: 4 - Council Member Carr, Council Member Librers, Council Member Siebert, Mayor Tate

Absent: 1 - Mayor Pro Tem Constantine

SPECIAL MEETING

6:30 P.M.

CALL TO ORDER

The meeting was called to order at 6:30 p.m.

ROLL CALL ATTENDANCE

DECLARATION OF POSTING OF AGENDA

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

CLOSED SESSION

Mayor Tate read the closed session into the record.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 6:31 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:31 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. Alison Smith, et al.
Case Number: Santa Clara County Superior Court Case No: 1-15-CV-279950
Attendees: City Manager; City Attorney

RECONVENE

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

REGULAR MEETING

7:00 P.M.

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

No reports.

CITY MANAGER'S REPORT

City Manager Steve Rymer recognized the new and promoted teammates.

He announced that staff has requested that item 7 on the consent calendar be pulled from the agenda.

[16-718](#)

QUARTERLY EMPLOYEE RECOGNITIONS

New Hires

Keri Russell- Maintenance Services Coordinator
Sean Farrell- Police Officer
Derek Bowman- Human Resources Assistant
Jose Fabian Rios- Ovando - Utility Worker I
Puriam Alanis- Ojeda- Utility Worker I
Jesus Contreras- Accountant I
Christie Thomas- Municipal Services Assistant
Prisma Renteria- Accounting Assistant II
Andrew Colton- Multi- Services Officer
Erik Adams – Police Officer

Promotions

Idalia Echegoyen- Public Safety Dispatcher Supervisor
Ismael Montes- Maintenance Services Worker II
Sergio Marquez- Maintenance Services Worker II
Richard Guzman – Utility Worker II
Yat Cho- Senior Project Manager
Bobbi Stevensen- Membership Director (YMCA)
Kolby Rousseu- Health and Wellness Director (YMCA)
Jessica Redfield – Associate Executive Director (YMCA)
Daniel Cardwell – Fire/ Building Inspector
Scott Creer- Deputy Director for Engineering

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that there was no reportable action from the closed session that took place earlier in the evening.

OTHER REPORTS

Mayor Tate announced that the next Coffee with the Mayor will take place Saturday at 10:00 a.m. at Grinds, Vines, and Automobiles Cafe downtown with Council Member Carr as a guest.

RECOGNITION

Recognizing the Jackson Oaks Homeowner's Association
for becoming the County's first Firewise Community

PRESENTATIONS[16-699](#)

YAC PRESENTATION - ASSET #2 - POSITIVE FAMILY
COMMUNICATION

PUBLIC COMMENT

The public comment was opened at 7:26 p.m.

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

ADOPTION OF AGENDA

Action: On a motion by Council Member Carr and seconded by Council Member Siebert, adopting the agenda removing item 7. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 1 - Constantine

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

Action: On a motion by Council Member Siebert and seconded by Council Member Carr approving the Consent Calendar. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 1 - Constantine

- 1 [16-671](#) ACCEPT EL TORO FIRE STATION KITCHEN REMODEL PROJECT
- 2 [16-689](#) ACCEPTANCE OF COMMUNITY AND CULTURAL CENTER
 DEMONSTRATION PROJECT
- 3 [16-692](#) FINAL MAP APPROVAL FOR CONNEMARA PHASE 2 - TRACT NO.
 10357
- 4 [16-691](#) FINAL MAP APPROVAL FOR THE COMMONS - TRACT NO. 10047
- 5 [16-639](#) DOMESTIC VIOLENCE RESPONSE TEAM GRANT FUNDS FROM
 COMMUNITY SOLUTIONS

- 6 [16-690](#) CALRECYCLE GRANT APPLICATION
- 7 [16-674](#) AWARD CO2 FOOD GRADE BULK SERVICE AGREEMENT
Item pulled from the agenda. No action taken.
- 8 [16-696](#) NBS GOVERNMENT FINANCE GROUP CONTRACT AMENDMENT
FOR REVIEW OF FEES ASSOCIATED WITH DEVELOPMENT
SERVICES ACTIVITIES
- 9 [16-681](#) FIRST AMENDMENT TO AGREEMENT WITH DAVID J. POWERS &
ASSOCIATES
- 10 [16-673](#) FIRST AMENDMENT TO BURR PLUMBING AND PUMPING, INC.
AGREEMENT
- 11 [16-663](#) AWARD CENTENNIAL RECREATION CENTER LOCKER ROOM TILE
FLOOR PROJECT
- 12 [16-687](#) CHANGE ORDER TO THE AQUATICS CENTER LOCKER ROOM AND
FAMILY CHANGING ROOM EPOXY FLOORING WITH TERA-LITE,
INC.
- 13 [16-683](#) AUGUST 2016 FINANCIAL AND INVESTMENT REPORT
- 14 [16-697](#) TRANSITIONAL PROVISIONS OF RDCS AND GENERAL PLAN
PIPELINE POLICY IMPLEMENTATION: CLARIFICATION OF INTENT
TO APPLY GENERAL PLAN PIPELINE POLICY TO PENDING
PROJECT; REQUEST TO DETERMINE THAT AWARDED RDCS
ALLOTMENTS ARE PIPELINE PROJECTS SUCH THAT THE E.
DUNNE-KYONO PROJECT, A 32-UNIT SINGLE-FAMILY ATTACHED
RESIDENTIAL PROJECT IS A PRE-EXISTING PIPELINE PROJECT IN
ACCORDANCE WITH THE 2035 GENERAL PLAN. THE PROPERTY
IS LOCATED ON E. DUNNE AVENUE, EAST OF BUTTERFIELD
BOULEVARD (APN 726-02-014)
- 15 [16-656](#) ADOPT ORDINANCE 2218, NEW SERIES, AN ORDINANCE OF THE
CITY OF MORGAN HILL APPROVING A DEVELOPMENT
AGREEMENT FOR THE SAN PEDRO-PRESIDIO RESIDENTIAL
APARTMENT PROJECT LOCATED ON THE NORTHEAST SIDE OF
SAN PEDRO AVENUE AND MURPHY AVENUE (APN: 817-12-006)

- 16 [16-657](#) ADOPT ORDINANCE 2219, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR A SINGLE CUSTOM LOT DEVELOPMENT PROJECT LOCATED ON PRICE DRIVE, WEST OF DEWITT AVENUE (APN: 773-08-081)
- 17 [16-658](#) ADOPT ORDINANCE 2220, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION DA-16-007: DEWITT-MURRAY FOR A FOUR LOT SUBDIVISION PROPOSED ON THE SOUTHWEST CORNER OF DEWITT AVENUE AND PRICE DRIVE (APN: 773-08-064)
- 18 [16-703](#) APPROVE THE SEPTEMBER 21, 2016 SPECIAL-REGULAR CITY COUNCIL MEETING MINUTES

OTHER BUSINESS:

- 19 [16-694](#) ACCEPTANCE OF RECOGNITION OF THE CITY OF MORGAN HILL INTO THE WORLD HEALTH ORGANIZATION GLOBAL NETWORK OF AGE-FRIENDLY CITIES AND COMMUNITIES AND SENIOR SERVICES UPDATE

Older Adult Services Supervisor Debbie Vasquez provided the report.

The public comment was opened at 7:44 p.m.

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

Action: On a motion by Council Member Librers and seconded by Council Member Siebert, accepting the recognition of the City of Morgan Hill into the World Health Organization Global Network of Age-friendly Cities and Communities and accepting the Senior Service programs and services update. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 1 - Constantine

- 20 [16-679](#) APPROVED SITE REVIEW AND USE PERMIT
MONTEREY-MCCRANIE: A THREE STORY, 10,000 SQUARE FOOT BUILDING WITH OUTDOOR SEATING AND LANDSCAPING AND USE PERMIT FOR A WINE BAR, AND RESTAURANT LOCATED ON THE SOUTHWEST CORNER OF 2ND STREET AND MONTEREY ROAD (APN 767-07-047)

Associate Planner Tiffany Brown provided the report.

The public comment was opened at 7:54 p.m.

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

No action taken.

PUBLIC HEARINGS:

- 21 [16-661](#) AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) TO ADOPT BY REFERENCE, THE 2016 CALIFORNIA STATE BUILDING STANDARDS CODE KNOWN AND DESIGNATED AS CALIFORNIA CODE OF REGULATIONS, TITLE 24 AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND TO AMEND, DELETE AND ADD CERTAIN OTHER BUILDING AND CONSTRUCTION STANDARDS

Building Official Ken DeLuna provided the report.

The public hearing was opened at 7:57 p.m.

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

The meeting was recessed at 8:00 p.m.

The meeting was reconvened at 8:06 p.m.

Action: On a motion by Council Member Carr and seconded by Council Member Siebert, waiving the first and second reading of Ordinance 2221. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 1 - Constantine

Action: On a motion by Council Member Carr and seconded by Council Member Siebert, introducing Ordinance 2221. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 1 - Constantine

- 22 [16-677](#) ZONING AMENDMENT, ZA-13-07 AND DEVELOPMENT AGREEMENT, DA-13-05: W. DUNNE - GERA: A 14-LOT RESIDENTIAL DEVELOPMENT PROPOSED ON A 1.41 ACRE SITE LOCATED ON THE NORTH SIDE OF WEST DUNNE AVENUE, 115 FEET WEST OF THE MONTEREY ROAD AND DUNNE AVENUE INTERSECTION (APN'S 767-08-035 THROUGH 767-08-038)

Interim Planning Manager Terry Linder provided the report.

The public hearing was opened at 8:26 p.m.

Michael Davis was called to speak.

Hearing no further 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 2222 approving the Zoning Amendment. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 1 - Constantine

Action: On a motion by Council Member Carr and seconded by Council Member Siebert, introducing ordinance 2222 approving the Zoning Amendment. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 1 - Constantine

Action: On a motion by Council Member Carr and seconded by Council Member Librers, waiving the first and second reading of ordinance 2223 approving the Development Agreement. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 1 - Constantine

Action: On a motion by Council Member Carr and seconded by Council Member Librers, introducing ordinance 2223 approving Development Agreement. The motion passed by the following vote:

Ayes: 4 - Carr, Librers, Siebert, Tate

Noes: 0

Absent: 1 - Constantine

OTHER BUSINESS:

- 23 [16-646](#) POTENTIAL CONSOLIDATION WITH THE FOOTHILL MUTUAL
WATER COMPANY AND MECCHI WATER COMPANY

Assistant Director for Utilities Dan Repp provided the report.

The public comment was opened at 9:05 p.m.

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

No action taken.

FUTURE COUNCIL INITIATED AGENDA ITEMS:

None.

ADJOURNMENT

The meeting was adjourned at 9:16 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.

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