



Meeting Minutes

City Council

Steve Tate ~ Mayor

Larry Carr ~ Mayor Pro Tem

Caitlin Robinett Jachimowicz ~ Council Member

Rene Spring ~ Council Member

Rich Constantine ~ Council Member

Wednesday, January 18, 2017

5:30 PM

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

SPECIAL/REGULAR MEETING

A Special Meeting of the City Council was called at 5:30 p.m. for the purpose of conducting commission interviews and a closed session.

SPECIAL MEETING

5:30 P.M.

TELECONFERENCE

Council Member Rene Spring participated in the special/regular meeting via teleconference as follows:

Council Member Rene Spring
Hyatt Regency Sacramento
1209 L Street
Sacramento, CA 95814

Public comment from the Sacramento location was allowed.

CALL TO ORDER

The meeting was called to order at 5:33 p.m.

ROLL CALL ATTENDANCE

Present: 4 - Mayor Pro Tem Carr, Council Member Constantine, Mayor Tate, Council Member Spring

Absent: 0

DECLARATION OF POSTING OF AGENDA

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

Council Member Spring declared the posting of the agenda at his location.

PLANNING COMMISSION INTERVIEWS

1 [17-021](#)

INTERVIEWS TO FILL ONE (1) VACANCY ON THE PLANNING COMMISSION

The Mayor and each of the Council Members thanked all of the applicants for applying for this voluntary position. They each spoke to the importance, roles, and expectations of the Planning Commission.

The City Council interviewed the following applicants for the Planning Commission vacancy:

*James Realini
Robert Gynn
Sue Koepp Baker
Troy Knapp
Yvonne Martinez
Tom Mumby
Jeffrey Picket
Michael Robertson
Rachel Castro*

Applicants Wendy Makdissy and Joseph Zahsiya withdrew their applications and were not interviewed.

REGULAR MEETING

7:00 P.M.

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

Mayor Tate had no report.

CITY MANAGER'S REPORT

City Manager Steve Rymer recognized and thanked the new, promoted, and retiring teammates.

Quarterly Teammate Recognitions**New Hires**

John Pipkin- Sr. Public Works Inspector
Terry De Leeuw – Utility Worker I

Promotions

Eric Blomquist- Building Official
Nicole Yates- Public Safety Dispatcher

Retirements

Karen Nelson
Mark Forry
Teresa Crue
Ken De Luna
Jay Jaso

City Manager Steve Rymer thanked the community for its water conservation efforts. He shared that in 2013 Morgan Hill consumed about 2.9 billion gallons of water. In 2016 we consumed 2 billion gallons for a savings of 0.9 billion gallons. That is an amazing statistic. Although we have received a lot of rain, we want to look at long term solutions and will be asking the community to look at ways of permanently reducing water usage to ensure that as we develop as a community we have the water resources that we need.

He requested that items 8 and 19 be pulled from the agenda and moved to the January 25, 2017 Council meeting. He concluded by speaking to the evening's supplements and presentations.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no report.

OTHER REPORTS

None.

PRESENTATIONS

[17-025](#)

YAC PRESENTATION- ASSET # 14- ADULT ROLE MODELS

PUBLIC COMMENT

The public comment was opened at 7:23 p.m.

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

ADOPTION OF AGENDA

Action: On a motion by Council Member Constantine and seconded by Mayor Pro Tem Carr, adopting the agenda moving items 8 and 19 to the January 25, 2017 agenda. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Tate, Spring

Noes: 0

Absent: 0

- 8 [17-002](#) AUTHORIZE CONTRACT WITH MICHAEL BAKER INTERNATIONAL FOR PREPARATION OF A RAILROAD CROSSING "QUIET ZONE" STUDY AND DEPOSITS FOR REIMBURSEMENT OF SERVICE TO UNION PACIFIC RAILROAD

Item removed from the agenda.

- 19 [16-727](#) INCENTIVE AGREEMENT WITH MORGAN HILL REAL ESTATE LLC, FOR THE ESTABLISHMENT OF A NEW AUTOMOBILE AGENCY AT THE AUTO MALL PLANNED DEVELOPMENT SITE ON CONDIT ROAD

Item removed from the agenda.

OTHER BUSINESS:**2 [17-028](#) INTERVIEWS TO FILL A VACANCY ON THE CITY COUNCIL**

Mayor Tate provided the report.

City Council applicant, Mariana Solomon, who was inadvertently left out of the initial interviews on January 18, 2017 was interviewed.

The City Council discussed which applicants they wanted to invite to the second round of interviews.

The following applicants were invited for second round interviews:

Caitlin Robinett Jachimowicz

Danielle Davenport

Carol Fredrickson

John McKay

Council conducted the second round interviews.

Mayor Tate called a recess at 8:19 p.m.

The meeting was reconvened at 8:28 p.m.

The candidate interviews continued.

Mayor Tate called a recess at 10:20 p.m.

The meeting was reconvened at 10:27 p.m.

The public comment was opened at 10:27 p.m.

Sara Nicholson was called to speak.

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

Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Spring, appointing Caitlin Robinett Jachimowicz to fill the vacancy on the City Council with a term ending December 2018. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Tate, Spring

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 Spring, approving consent calendar items 3 through 7, 9 through 15, and 17. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Tate, Spring

Noes: 0

Absent: 0

- 3 [16-842](#) ACCEPTANCE OF CENTENNIAL RECREATION CENTER LOCKER ROOM TILE FLOOR PROJECT
- 4 [16-858](#) ACCEPTANCE OF 2015 PAVEMENT RESURFACING PROJECT
- 5 [17-005](#) ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS FOR WALNUT GROVE - TRACT NO. 10134
- 6 [17-018](#) APPROVE FIRST AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT WITH HARRIS & ASSOCIATES FOR LAND DEVELOPMENT REVIEW
- 7 [17-019](#) APPROVAL OF CONTRACT WITH LISA WISE CONSULTING, INC. FOR PREPARATION OF A MONTEREY CORRIDOR MARKET AND LAND USE CAPACITY STUDY
- 9 [17-003](#) AWARD SERVICE AGREEMENT FOR DESIGN PROFESSIONALS FOR THE HALE AVENUE EXTENSION PROJECT
- 10 [17-004](#) FINAL MAP APPROVAL FOR MADISON GATE PHASE 1 - TRACT 10385
- 11 [17-011](#) JOINT CITY COUNCIL-SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY (SCRWA)-SANTA CLARA VALLEY WATER DISTRICT (DISTRICT) BOARD COMMITTEE TO ADVANCE COMMON SOUTH COUNTY WATER INTERESTS
- 12 [17-013](#) NOVEMBER 2016 FINANCIAL AND INVESTMENT REPORT
- 13 [17-001](#) ADOPT ORDINANCE 2225, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL ADDING SECTION 1.16.040 (ELECTRONIC FILING OF CAMPAIGN STATEMENTS) TO CHAPTER 1.16 (ELECTIONS) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL APPROVING THE USE OF ELECTRONIC FILING OF CAMPAIGN STATEMENTS
- 14 [17-006](#) ADOPT ORDINANCE 2226, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING TITLE 18, DIVISION 1, ZONING CODE TO AMEND CHAPTER 18.04 "DEFINITIONS", AMEND CHAPTER 18.20 CN NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 18.20.020 PERMITTED USES, AMEND CHAPTER 18.22 CG GENERAL COMMERCIAL DISTRICT, SECTION 18.22.020 PERMITTED USES OF THE MORGAN MUNICIPAL CODE

- 15 [17-008](#) ADOPT ORDINANCE 2227, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR A FIVE LOT DEVELOPMENT PROJECT DA-16-01: WALNUT GROVE-NEWLAND LOCATED ON THE EAST SIDE OF WALNUT GROVE DRIVE, SOUTH OF DIANA AVENUE (APN'S 726-07-089, 726-07-023, 726-07-024)

- 17 [17-027](#) APPROVE THE JANUARY 11, 2017 SPECIAL CITY COUNCIL MEETING MINUTES

- 16 [17-009](#) ADOPT ORDINANCE 2228, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT FOR THE BUSK PROJECT DAA-14-10: EAST DUNNE-BUSK EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR THE SEVEN, FISCAL YEAR 2015-2016 BUILDING ALLOCATIONS (APN 817-19-044)

Item pulled at the request of the applicant.

The public comment was opened at 10:40 p.m.

Scott Murray was called to speak.

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

Action: On a motion by Mayor Pro Tem Carr and seconded by Mayor Tate, adopting ordinance 2228 with the following amendments; Changing the building permit submittal deadline to 3/30/17 and adding a final map recording deadline of 4/30/17. The motion passed by the following vote:

Ayes: 3 - Carr, Constantine, Tate

Noes: 1 - Spring

Absent: 0

Action: On a motion by Council Member Constantine and seconded by Mayor Pro Tem Carr, extending the meeting to midnight. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Tate, Spring

Noes: 0

Absent: 0

OTHER BUSINESS:18 [17-022](#)**APPOINTMENT TO FILL ONE (1) VACANCY ON THE PLANNING COMMISSION***Mayor Tate provided the report.**He shared each Council Members first and second choices for the appointment:**Mayor Tate**1. Troy Knapp**2. Sue Koepp-Baker**Mayor Pro Tem Carr;**1. Yvonne Martinez**2. Troy Knapp**Council Member Constantine**1. Yvonne Martinez**2. Troy Knapp**Council Member Spring**1. Sue Koepp-Baker**2. Rachael Castro**Mayor Tate employed a scoring system that gave the first choice 3 points and the second choice 1 point. Using that system Yvonne Martinez received 6 points, Troy Knapp received 5 points, Sue Koepp-Baker received 4 points, and Rachael Castro received 1 point. Mayor Tate recommended appointing Yvonne Martinez.*

Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Constantine, appointing Yvonne Martinez to fill the Planning Commission Vacancy, term ending June 1, 2017. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Tate, Spring**Noes:** 0**Absent:** 0

PUBLIC HEARINGS:

- 20 [16-846](#) DEVELOPMENT AGREEMENT, DA2016-0008: PEAK-FINAMORE: A DEVELOPMENT AGREEMENT FOR ONE RESIDENTIAL BUILDING ALLOTMENT FOR A SINGLE FAMILY ATTACHED (DUET) RESIDENCE LOCATED ON THE SOUTHEAST CORNER OF PEAK AVENUE AND CLAREMONT DRIVE (APN 764-36-037)

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

The public hearing was opened at 10:58 p.m.

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

Action: On a motion by Council Member Constantine and seconded by Mayor Pro Tem Carr, waiving the first and second reading of Development Agreement Ordinance 2230. The motion passed by the following

vote:

Ayes: 4 - Carr, Constantine, Tate, Spring

Noes: 0

Absent: 0

Action: On a motion by Mayor Pro Tem Carr and seconded by Council Member Constantine, introducing Development Agreement Ordinance 2230. The motion passed by the following vote:

Ayes: 4 - Carr, Constantine, Tate, Spring

Noes: 0

Absent: 0

FUTURE COUNCIL INITIATED AGENDA ITEMS:

None.

CLOSED SESSION

City Attorney Donald Larkin read the closed session into the record.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 11:01 p.m.

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 11:01 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

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

Authority: Pursuant to Government Code Section 54956.9(d)(1)
Case Name: The Bank of New York Mellon v. City of Morgan Hill, et al.
Case Number: Santa Clara County Superior Court Case No: 1-15-CV-279257

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority: Government Code 54957(b)(1)
Title: City Manager

RECONVENE

The meeting reconvened at 11:33 p.m.

CLOSED SESSION ANNOUNCEMENT

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

ADJOURNMENT

The meeting adjourned at 11:33 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