



City of Morgan Hill

Legislation Text

File #: 16-126, Version: 1

CITY COUNCIL STAFF REPORT **MEETING DATE: MARCH 2, 2016**

PREPARED BY: Irma Torrez, City Clerk
APPROVED BY: City Manager

CALL FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2016 FOR THE SUBMISSION TO THE QUALIFIED VOTERS AN ORDINANCE

RECOMMENDATION(S)

1. Adopt Resolution 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;
2. Adopt Resolution 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; and
3. Adopt Resolution Providing for Written Arguments Regarding a Referendum and Directing the City Attorney to Prepare an Impartial Analysis; and Providing for the Filing of Rebuttal Arguments.

COUNCIL PRIORITIES, GOALS & STRATEGIES:

Ongoing Priorities

Preserving and cultivating public trust

2016 Focus Areas

Planning our Community
Developing our Community

REPORT NARRATIVE:

Background

On November 19, 2014, the City Council approved a General Plan Amendment that changed the General Plan land use designation on a 3.39 acre site located on the southeast corner of Madrone Parkway and Lightpost Way (APN 726-33-026) from "Industrial" to "Commercial."

On April 1, 2015, the City Council adopted Ordinance No. 2131, New Series: Amending the zoning designation of the subject 3.39 acre site from ML - Light Industrial District to the CG - General Commercial District to be consistent with the recent General Plan Amendment.

The City Clerk was contacted by the Morgan Hill Hotel Coalition, an Unincorporated Association

(proponents) on April 2, 2015 regarding a Referendum Petition regarding Ordinance No. 2131, New Series. On April 3, 2015, the City Clerk provided the Proponents of a Referendum with a fully executed copy of Ordinance No. 2131, New Series.

The City Council, on May 20, 2015, adopted Resolution No. 15-113 - Accepting the City Clerk's Certificate of Sufficiency for the Referendum Petition Regarding Ordinance No. 2131, New Series.

In July 2015, the City Council declined to place the Referendum on the ballot due to its inconsistency with the General Plan, based on advice from the then City Attorney.

At the meeting of February 17, 2016, the Interim City Attorney presented the City Council possible responses to the Referendum. At that meeting, the City Council adopted a Resolution "Directing the City Clerk to submit Ordinance No. 2131 relating to Rezoning ZA-14-26: Lightpost-Riverpark Hospitality to a vote of the electorate of the City of Morgan Hill at the next general election.

Attached to the staff report are three (3) resolutions for Council consideration and adoption to facilitate a Special Municipal Election to be held on June 7, 2016 in the City of Morgan Hill.

- 1) The first Resolution calls for the holding of a Special Election to be held on Tuesday, June 7, 2016, for the Submission to the qualified voters an ordinance;
- 2) The second Resolution requests the Santa Clara County Board of Supervisors to consolidate the Special Municipal Election to be held on Tuesday, June 7, 2016, with the Statewide Primary Election to be held on the same date pursuant to § 10403 of the Elections Code; and
- 3) The third Resolution provides for written arguments regarding the Referendum; directing the City Attorney to prepare an Impartial Analysis; and providing for the filing of rebuttal arguments for the referendum to be submitted at the Special Election.

COMMUNITY ENGAGEMENT: Involve

The recommended actions have been noticed and will continue to be noticed as required by law.

ALTERNATIVE ACTIONS:

Please see the alternative actions as listed on the Interim City Attorney's February 17, 2016 staff report (attached).

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Summarized above as well as in the Interim City Attorney's February 17, 2016 staff report.

FISCAL AND RESOURCE IMPACT:

It is anticipated that an estimated cost for a Special Election to be held in Morgan Hill on the Referendum will be provided by the Registrar of Voters Office prior to the City Council meeting.

CEQA (California Environmental Quality Act):

Project, Description of CEQA requirements

A Mitigated Negative Declaration was prepared for the General Plan Amendment for the Commercial designation and the Rezoning project, which determined that any potential environmental impacts resulting from the proposed change in land use would be fully mitigated and that the Mitigated Negative Declaration was adopted by the City Council on November 19, 2014. Should the voters

pass the referendum, it is likely not subject to CEQA based upon the case of *DeVita v. County of Napa (1995) 9 Cal.4th 763, 793-795*. This MND would cover the staff recommendation described in this Report, and further CEQA analysis would be performed if Council selected another course of action

LINKS/ATTACHMENTS:

1. Resolution Calling for a Special Municipal Election to be held on June 7, 2016 on the Referendum
2. Resolution Requesting Santa Clara County Board of Supervisors for the Consolidation of the June 7, 2016 Special Municipal Election with the Statewide Primary Election.
3. Resolution providing for written Arguments regarding the Referendum and Directing the City Attorney to Prepare an Impartial Analysis; and providing for filing of Rebuttal Arguments for the Referendum Submitted at the Special Election
4. February 17, 2016 City Council staff report in Response to Referendum ZA-14-26: Lightpost-Riverpark Hospitality
5. Copy of Ordinance No. 2131, New Series (adopted by City Council 4/1/15)
6. May 20, 2015 City Council Staff Report regarding Council Action on the Referendum Petition, including attachments
7. Resolution No. 15-113 (approved by City Council on 5/20/15, Accepting the City Clerk's Certification of Sufficiency for the Referendum Petition Regarding Ordinance No. 2131, New Series.