



**Meeting Minutes
City Council**

Steve Tate - Mayor
Rich Constantine - Mayor Pro Tem
Larry Carr - Council Member
Caitlin Jachimowicz - Council Member
Rene Spring - Council Member

Wednesday, October 24, 2018 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 a Joint City Council/Planning Commission Workshop.

SPECIAL MEETING

5:30 P.M.

CALL TO ORDER

Mayor Tate called the meeting to order at 5:31 p.m.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Steve Tate	Mayor	Present	
Rich Constantine	Mayor Pro Tem	Present	
Larry Carr	Council Member	Present	
Caitlin Jachimowicz	Council Member	Present	
Rene Spring	Council Member	Present	

The following Planning Commissioners were present:

Liam Downey
Yvonne Martinez-Beltran
John McKay
Juan Miguel Muñoz-Morris

The following Planning Commissioners were absent:

Joe Mueller
Wayne Tanda
Mohammad Habib

DECLARATION OF POSTING AGENDA

Deputy City Clerk Bigelow declared the posting of the agenda.

WORKSHOP

MONTEREY CORRIDOR BLOCK-LEVEL MASTER PLAN JOINT CITY COUNCIL/PLANNING COMMISSION WORKSHOP

Recommendation:

1. Continue presentation on the Monterey Corridor Block-Level Master Plan;
2. Discuss and provide feedback on draft frontage standards for future development along the Monterey Corridor; and
3. Discuss and provide feedback on the results and recommendations of the block-level commercial analysis.

Interim Principal Planner John Baty, Development Services Director Jennifer Carman, and Economic Development Director Edith Ramirez, along with Christine Firstenberg with Metrovation provided the presentation.

The public comment was opened at 6:39 p.m.
Brian Sullivan was called to speak.
There being no further requests to speak, the public comment was closed.

The special meeting adjourned at 6:52 p.m.

REGULAR MEETING

7:00 P.M.

The regular meeting was called to order at 7:00 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Jachimowicz shared that last week Assembly Member Anna Caballero mentioned funding identified in the state budget for homelessness, specifically for continuum of care. She shared that City Housing staff has a plan to look after some of this funding. One program that may benefit from these funds would be the Safe Parking program which could potentially be expanded. We have a meeting

scheduled for November 5th with the Gilroy team to discuss this specific funding and other housing topics to formalize a request for South County to obtain some of these dollars. She mentioned that while the City Council is not a political body, they sometimes will make recommendations of local interest. Along those lines she shared that she is appointed to the Association of Bay Area Governments (ABAG) and the League of California Cities (LOCC), both organizations along with the City Council have taken a firm stance against Proposition 6. That has been the focus of both bodies as we look towards the next election. For those who do not know, Proposition 6 will take away about \$200 million per year of tax revenue that would be used for road repairs. The City of Morgan Hill would lose between \$600,000 and \$700,000 annually if Proposition 6 were to pass.

She shared that ABAG is looking for nominations for their Bay Area Metro Awards. The nomination process is open to anyone, so if you know of a person, project, or city who is making a difference in the areas of housing, transportation, community and social equity, economic development, or environmental protection, nominations can be made at www.abag.ca.gov. She reported that under ABAG, the Metropolitan Transportation Commission is recruiting for a new Executive Director. She concluded by reminding everyone that the election is 13 days away and encouraged everyone to vote.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She recognized our public safety, both Police and Fire teammates. Everyday these men and women serve to protect our community, positively impacting the lives of our residents and visitors. She is continually impressed by their dedication and professionalism. She highlighted a couple of examples of their outstanding service. She announced that Fire Chief Derek Witmer is retiring and that the new Fire Chief, Jake Hess, will be starting on October 31st. She shared that the broker's breakfast that took place last week was a huge success. She mentioned that the Tourism Business Improvement District is moving along, and the team will be meeting with the hotels next week on October 30th. The team will return to the Council on November 7th with a draft management plan. She concluded by announcing that the certification of election and seating of the new mayor and council will take place on Wednesday, December 12th at 7:00 p.m.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin shared that the 6th District Court of Appeal issued their opinion and upheld the voter initiative for Measure B, which is the funding for Valley Transportation Authority (VTA) projects including our own Hale Avenue Extension Project. It will however, be some time before the funds are released because there is a period of time in which the plaintiffs have to petition the Supreme Court; it would then get remanded back to the Superior Court to enter a final judgment. There is now hope that sometime in the relatively near future, those funds will be released, and we will get the funding for the Hale Avenue Extension Project.

OTHER REPORTS

Council Member Rene Spring shared Morgan Hill was recently in the news a couple times. He mentioned that a few weeks back he asked the City Council and staff to bring an item back to Council with alternatives to using rat poison in Morgan Hill. This week in the news, a resident had a beautiful owl die on her front porch from consuming rat poison. This incident demonstrates that the issue of rat poison is a very real and impactful issue in our community and that we need to move forward as soon as possible to get the poison out of the community.

He commented that next week is Halloween and he encouraged the residents to get out and enjoy the community. He concluded by announcing that last week he became a commissioner for the Veterans Commission of Santa Clara County, with the passionate intention to bring a voice for our veterans to Santa Clara County.

Mayor Tate announced that the next coffee with the Mayor will be on Saturday, November 10th at

Booksmart from 10:00 a.m. to 11:30 a.m. His guest will be the new mayor.

PROCLAMATION

Proclaiming November 2018 as Morgan Hill Community Philanthropy Month
Peggy Martin

PRESENTATION

Morgan Hill Downtown Association Board Presentation of Contribution Check
for the Downtown Twinkle Lights

PUBLIC COMMENT

The public comment was opened at 7:16 p.m.

There being no requests to speak, the public comment was closed.

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rene Spring, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz, Spring

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 through 3.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Carr, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz, Spring

1. **ADOPT ORDINANCE APPROVING A DEVELOPMENT AGREEMENT DA2017-0008: LLAGAS-STROLATA (SILVA) FOR A 3-UNIT RESIDENTIAL DEVELOPMENT WITH REMAINDER LOT ON A 4.48-ACRE SITE LOCATED AT 1110 LLAGAS AVENUE (APN 773-32-013)**

Recommendation:

Waive the reading, adopt Ordinance No. 2286, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

2. **ADOPT ORDINANCE APPROVING A DEVELOPMENT AGREEMENT FOR A 389 UNIT APARTMENT PROJECT ON APPROXIMATELY 19.5 ACRES AT JARVIS DR. AND MONTEREY ROAD**

Recommendation:

Waive the reading, adopt Ordinance No. 2287, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

3. ADOPT ORDINANCE ADDING NEW CHAPTER 14.08 “IN-LIEU HOUSING FEE” TO TITLE 14 (HOUSING) OF THE MORGAN HILL MUNICIPAL CODE, ESTABLISHING IN-LIEU FEES FOR NEW RESIDENTIAL DEVELOPMENT OWNERSHIP AND RENTAL PROJECTS WITHIN THE CITY AND ADDING CHAPTER 14.12 “BELOW MARKET RATE PROGRAM” WHICH INCORPORATES A NEW BELOW MARKET RATE OWNERSHIP PROGRAM PARTICIPATION GUIDE AND A NEW BELOW MARKET RATE OWNERSHIP PROGRAM APPLICATION GUIDE, AND REPEALING CHAPTERS 15.22 “AFFORDABLE HOUSING FEE” AND 15.23 “BELOW MARKET RATE PROGRAM”

Recommendation:

Waive the reading, adopt Ordinance No. 2288, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

PUBLIC HEARING

4. ADOPT AN ORDINANCE REQUIRING SAFE STORAGE OF FIREARMS, REPORTING THEFT OR LOSS OF FIREARMS, AND PROHIBITING POSSESSION OF LARGE CAPACITY MAGAZINES

Recommendation:

1. Open/close public hearing;
2. Waive the first and second reading of the ordinance; and
3. Introduce the ordinance amending Chapter 9.04 titled “Weapons,” to require the safe storage of firearms when not attended, to require the reporting of the theft or loss of firearms, and to prohibit the possession of large capacity magazines.

City Attorney Donald Larkin presented the report.

The meeting went into recess at 8:17 p.m.
The meeting was reconvened at 8:23 p.m.

The public hearing was opened at 9:09 p.m. The following people were called to speak:

Kirk Borovick
Amanda Santiago
Kirk Bertolet
Mr. Reed
Marby Lee
Paul Barton
Trevor Bacolini
Andy Francke
Kyle McElroy
Mark van Kuelen
Robert Alexander
Gary Inman
Brad Weightman
Anne Rosenweig
Steve Chappell
Mark Hinkle
Sean Adams

There being no further requests to speak, the public hearing was closed.

The meeting went into recess at 9:55 p.m.
The meeting was reconvened at 10:08 p.m.

MOTION:

Extending the meeting to 12:00 a.m.

RESULT:	EXTENDED [UNANIMOUS]
MOVER:	Caitlin Jachimowicz, Council Member
SECONDER:	Rich Constantine, Mayor Pro Tem
AYES:	Tate, Constantine, Carr, Jachimowicz, Spring

MOTION:

Waiving the first and second reading of the ordinance

RESULT:	WAIVED [4 TO 1]
MOVER:	Larry Carr, Council Member
SECONDER:	Caitlin Jachimowicz, Council Member
AYES:	Tate, Constantine, Carr, Jachimowicz
NAYS:	Spring

MOTION:

Introducing the ordinance amending the section on magazine bans to include the suggested amended language provided in the presentation and including the definition of a locked container.

RESULT:	INTRODUCED [4 TO 1]
MOVER:	Larry Carr, Council Member
SECONDER:	Steve Tate, Mayor
AYES:	Tate, Constantine, Carr, Jachimowicz
NAYS:	Spring

5. ZA2018-0005: CITY OF MORGAN HILL - AN AMENDMENT TO TITLE 18, DIVISION I ZONING CODE, PART 2 ZONING DISTRICTS, CHAPTER 18.28 - OPEN SPACE, PUBLIC, AND RECREATION ZONING DISTRICTS TO MODIFY THE USES ALLOWED IN THE SRL-B - SPORTS RECREATION AND LEISURE SUB-ZONE B ZONING DISTRICT, OF THE MORGAN HILL MUNICIPAL CODE

Recommendation:

1. Open/close public hearing;
2. Waive the first and second reading of Zoning Amendment ZA2018-0005: City of Morgan Hill Ordinance; and
3. Introduce Zoning Amendment ZA2018-0005: City of Morgan Hill Ordinance.

City Manager Christina Turner introduced the item. Interim Principal Planner John Baty and Development services Director Jennifer Carman presented the report.

The public hearing was opened at 11:26 p.m.

Trevor Bacolini was called to speak.

There being no further requests to speak, the public hearing was closed.

MOTION:

Waiving the first and second reading of the ordinance.

RESULT: WAIVED [UNANIMOUS]
MOVER: Larry Carr, Council Member
SECONDER: Rich Constantine, Mayor Pro Tem
AYES: Tate, Constantine, Carr, Jachimowicz, Spring

MOTION:

Introducing the ordinance including the cleanup language regarding building coverage.

RESULT: INTRODUCED [UNANIMOUS]
MOVER: Larry Carr, Council Member
SECONDER: Rich Constantine, Mayor Pro Tem
AYES: Tate, Constantine, Carr, Jachimowicz, Spring

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring requested that staff explore options for fire arms education for the community.

CLOSED SESSION

Mayor Tate announced the closed session.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment was opened at 11:31 p.m.

There being no requests to speak, the public comment was closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 11:31 p.m.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority: Government Code 54957(b)(1)

Title: City Manager

CLOSED SESSION SUPPLEMENT 1

CLOSED SESSION SUPPLEMENT 2

RECONVENE

The meeting reconvened at 11:54 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor Tate announced that there was no reportable action.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:55 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk