



**Special - Regular Meeting Agenda
City Council**

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

Wednesday, May 17, 2017 5:00 PM

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

SPECIAL/REGULAR MEETING

(5:00 P.M. Closed Session/ 5:30 P.M. Workshop/ 7:00 P.M. Regular Meeting)

A special meeting of the City Council is called at 5:00 p.m. for the purpose of conducting a closed session and a workshop.

SPECIAL MEETING

5:00 P.M.

CALL TO ORDER

Mayor Tate

ROLL CALL ATTENDANCE

Deputy City Clerk Wilson

DECLARATION OF POSTING AGENDA

Deputy City Clerk Wilson

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to: Government Code Section 54956.9(d)(2)

Number of Cases: One (1)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to: Government Code Section 54956.8

Property: APN 817-21-001

Agency Negotiators: Steve Rymer and Anthony Eulo

Negotiating Parties: Fountain Oaks Ranch, LLC

County of Santa Clara

Open Space Authority

Under Negotiation: Price and Terms of Payment

RECONVENE

CLOSED SESSION ANNOUNCEMENT

WORKSHOP

RDCS Workshop

The purpose of this workshop is to discuss potential Measure S Residential Development Control System (RDCS) process changes with the City Council

REGULAR MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Constantine

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PROCLAMATIONS

Proclaiming the week of May 12-19, 2017 as Affordable Housing Week
Proclaiming the Month of May 2017 as Older Americans Month

COMMENDATIONS

Sakata Seeds 40th Anniversary Commendation
John Nelson, Director of Sales and Marketing

PRESENTATIONS

Recycler of the Year Presentation to The Lodge
by Julie Alter, Recology South Valley

YAC PRESENTATION- ASSET # 18 - YOUTH PROGRAMS

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

COMMENTS RECEIVED FROM THE PUBLIC

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. COMMUNITY PROMOTIONS FUNDING REQUESTS FOR 2017

Recommendation:

1. Receive report; and
2. Direct staff to provide \$41,300 for the requested Community Promotions Funding Support.

2. AUTHORIZATION TO PARTICIPATE IN REGIONAL AGRICULTURAL CONSERVATION EASEMENT GRANT

Recommendation:

Adopt resolution approving and authorizing the City's participation in a grant application to the State for the purchase of an agricultural conservation easement.

3. EXTENSION OF THE AGREEMENT BETWEEN THE CITY OF MORGAN HILL AND CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR FIRE PROTECTION SERVICES IN THE CITY OF MORGAN HILL

Recommendation:

Approve an extension of the Fire Protection Reimbursement Agreement (Agreement) between the City of Morgan Hill (City) and California Department of Forestry and Fire Protection (CAL FIRE) for fire protection services in the City of Morgan Hill per the terms of the Agreement.

4. THIRD AMENDMENT TO AGREEMENT WITH BRIGHTVIEW LANDSCAPE SERVICES, INC.

Recommendation:

Approve the third amendment to the maintenance service agreement with Brightview Landscape Services, Inc.

5. THIRD AMENDMENT TO FIRATO SERVICE COMPANY AGREEMENT FOR JANITORIAL SERVICES

Recommendation:

Approve the third amendment to the maintenance service agreement with Firato Service Company.

6. EMPLOYEE COMPENSATION GUIDING PRINCIPLES

Recommendation:

Approve Employee Compensation Guiding Principles

7. CITY POSITION ON COMMUNITY DEVELOPMENT BLOCK GRANT TRAILER BILL

Recommendation:

Receive legislative correspondence in opposition of trailer bill language proposing to cut Community Development Block Grant funding from State budget.

8. MARCH 2017 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

9. ADOPT ORDINANCE 2235, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING SECTION 1.19.040 OF CHAPTER 1.19 OF TITLE 1, OF THE MORGAN HILL MUNICIPAL CODE REGARDING THE AMOUNT OF FINES FOR ADMINISTRATIVE PENALTIES

Recommendation:

Waive the reading, adopt Ordinance No. 2235, 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

10. APPROVE THE MAY 3, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

OTHER BUSINESS

11. INITIATE ANNUAL ASSESSMENT PROCESS FOR LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

Adopt resolutions approving the following actions:

1. Initiate the proceedings for the levy of assessments for Fiscal Year 2017-18;
2. Provide approval of the Engineer's Annual Report and the proposed assessment levy; and
3. Declare the City Council's intention to levy the assessments in the District and to set the Public Hearing date for June 7, 2017.

Estimated Time: 10 Minutes

12. COMMUNICATIONS AND ENGAGEMENT UPDATE

Recommendation:

Receive report.

Estimated Time: 15 Minutes

13. DOWNTOWN PARKS NAMING

Recommendation:

Approve the names recommended by the Parks and Recreation Commission for the new downtown parks.

Estimated Time: 10 Minutes

14. OUTDOOR SPORTS CENTER UPDATE

Recommendation:

1. Receive the report on Outdoor Sports Center Operations; and
2. Provide direction as necessary.

Estimated Time: 45 Minutes

PUBLIC HEARING

15. AMENDMENTS TO CITY'S WATER WASTE ORDINANCE EXPANDING PERMANENT CONSERVATION POLICIES

Recommendation:

1. Open/Close public hearing;
2. Waive the first and second reading of the ordinance;
3. Introduce ordinance.

Estimated Time: 20 Minutes

16. AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING TITLE 17 (SUBDIVISIONS), CHAPTER 17.34 (STANDARDS FOR RESIDENTIAL AND PRIVATE STREETS), PARAGRAPH 17.34.060 (PRIVATE STREETS) TO ADD A SUB-PARAGRAPH DIRECTING THAT PRIVATE STREETS BE CONSTRUCTED TO PUBLIC STREETS STANDARDS

Recommendation:

1. Open/Close Public Hearing;
2. Waive the first and second reading of the Ordinance; and
3. Introduce the Ordinance.

Estimated Time: 10 Minutes

17. ORDINANCE ADDING A NEW CHAPTER 15.22 (BELOW MARKET RATE (BMR) HOUSING IN LIEU FEE) TO TITLE 15 (HOUSING CODE) OF THE MORGAN HILL MUNICIPAL CODE, ADDING 15.22.10 PURPOSE, 15.22.20 DEFINITIONS, AND 15.22.30 APPLICABILITY.

Recommendation:

1. Open/Close Public Hearing;
2. Waive the First and Second Reading of the Ordinance; and
3. Introduce Ordinance that:
 - A. Institutes a \$12.92 housing in-lieu fee (based on 8% affordability provision), per square foot of livable space of the entire project, effective with the Fiscal Year (FY) 2019-20 Residential Development Control System (RDSCS) competition year; and
 - B. Maintains the existing .5 fractional threshold for payment and providing the unit on site.

Estimated Time: 10 Minutes

18. DEVELOPMENT AGREEMENT AMENDMENTS A. AAE 2017-0004 (DAA 14-06): COCHRANE – CAL ATLANTIC; B. AAE 2017-0009 (DAA 16-05): CONDIT -MANA; C. AAE 2017-0008 (DAA 15-05): LAUREL - DEROSE; D. AAE 2017-0014 (DAA 15-10): ALTIMIRA – DIVIDEND; E. AAE 2017-0017 (DAA 09-05): COCHRANE – TOLL BROTHERS; F. AAE 2017-0006 (DAA 14-09): MONTEREY - KB; G. AAE 2017-0012 (DAA 15-02): SAN PEDRO – PRESIDIO; H. AAE 2017-0015 (DAA 12-03): WATSONVILLE – DIVIDEND; J. AAE 2017-0018 (DAA 14-10): E. DUNNE – BUSK; AND K. AAE 2017-0019 (DAA 14-11): MONTEREY – CENTRAL ECA

Recommendation:

1. Open/close public hearing on requests A through H;
2. Waive first and second reading of Development Agreement Amendment Ordinances A and B incorporating allotments from the 2016 RDCS competition;
3. Introduce Development Agreement Amendment Ordinances A and B (by individual roll call vote);
4. Waive first and second reading of Development Agreement Amendment Ordinances C, D, and E incorporating allotments from the 2016 RDCS competition and incorporating extensions to allotments due to rain delays;
5. Introduce Development Agreement Amendment Ordinances C, D, and E (by individual roll call vote.);
6. Waive first and second reading of Development Agreement Amendment Ordinances F, G, and H incorporating extensions to allotments due to rain delays;
7. Introduce Development Agreement Amendment Ordinances F, G, and H (by individual roll call vote.);
8. Open/close public hearing on request J;
9. Waive first and second reading of Development Agreement Amendment Ordinance J incorporating a four-month extension to allotments due to City delay; and
10. Introduce Development Agreement Amendment Ordinance J.

Estimated Time: 45 Minutes

19. ZA2017-0003: AN ORDINANCE ESTABLISHING A COMPETITION MANUAL FOR THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS)

Recommendation:

1. Open/close public hearing;
2. Waive first and second reading of RDCS Competition Manual Ordinance; and
3. Introduce RDCS Competition Manual Ordinance.

Estimated Time: 60 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

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



Sustainable Morgan Hill Vision

Morgan Hill is a socially responsible, environmentally conscious, and economically sound community that embraces inclusiveness with participation by all.

CITY COUNCIL ONGOING PRIORITIES

Enhancing Public Safety · Protecting the Environment · Maintaining Fiscal Responsibility ·
Supporting Our Youth, Seniors, and Entire Community · Fostering a Positive Organizational Culture ·
Preserving and Cultivating Public Trust · Preserving Our Cultural Heritage

2017 STRATEGIC PRIORITIES

High Speed Rail

Inclusiveness

Infrastructure

Regional Initiatives

Telecommunications

2017 STRATEGIC PRIORITIES:



High Speed Rail

The City of Morgan Hill will directly advocate for our community's needs through our communications, discussions, and decisions. We will continue to engage the community, the High Speed Rail Authority, our state and federal legislators, and other regional agencies to mitigate negative impacts and convey our position that the High Speed Rail Authority should only use the existing Highway 101 right-of-way to avoid all impacts to residents, schools, and businesses. Should the Authority decide the 101 right-of-way is not feasible, we will strongly advocate for the route with the least impact on Morgan Hill.



Inclusiveness

We will celebrate the diversity, history, and culture of our community. Through City Council workshops, community meetings, and researching successes in other communities, the City will listen to and collaborate with the community to define how inclusiveness will be further woven into our community's fabric and to increase public participation. The City's communications, services, public spaces, and projects will embrace all community members as partners, advancing our vision of being a socially responsible community.



Infrastructure

The City will review its streets, parks, and public facilities infrastructure needs initially by updating its 2014 infrastructure study to quantify the funding gap. We will identify potential funding options as ongoing revenue is insufficient to fund our vital community assets at a sustainable level without significantly impacting existing service levels that our community has come to expect. Morgan Hill will actively work with the Valley Transportation Agency, the County, and the State to secure funding for the Santa Teresa extension and road maintenance. We will continue to work closely with our community to inform them of the needs and engage them to find an affordable and sustainable solution.



Regional Initiatives

City Council and staff will focus on influencing regional decisions that benefit Morgan Hill. This regional involvement will include, but not be limited to, partnering with the League of California Cities, Valley Transportation Authority, Santa Clara Valley Water District, Cities Association of Santa Clara County, the City of Gilroy, Santa Clara County, Morgan Hill Unified School District, the Local Agency Formation Commission, the Open Space Authority, and Silicon Valley Clean Energy to advance projects that further Sustainable Morgan Hill.



Telecommunications

The City will collaborate with the private sector to explore ways to provide fast, reliable access and wireless connectivity for residents and businesses. The 2016 Telecommunications Infrastructure and Economic Development Blueprint reports will be the foundation for continuing discussions with broadband providers, public utilities, and other infrastructure service providers in developing an implementation plan for growing our telecommunications infrastructure. The plan will be used to signal Morgan Hill's support for business expansion.