



**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*

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**Wednesday, July 19, 2017 5:15 PM**

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

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**SPECIAL/REGULAR MEETING**

**(5:15 P.M. Closed Session/ 6:00 P.M. Workshop/ 7:00 P.M. Regular Meeting)**

**SPECIAL MEETING**

**5:15 P.M.**

**CALL TO ORDER**

*(Mayor Tate)*

**ROLL CALL ATTENDANCE**

*(Deputy City Clerk Wilson)*

**DECLARATION OF POSTING AGENDA**

Per Government Code Section 54954.2  
*(Deputy City Clerk Wilson)*

**CLOSED SESSION**

**OPPORTUNITY FOR PUBLIC COMMENT**

## **ADJOURN TO CLOSED SESSION**

### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

- Authority: Government Code Section 54956.8
- a. Property: APN 767-03-036  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: Farideh Betpolice  
Under Negotiation: Price and Terms of Payment
- b. Property: APN 767-03-039, 041, 042  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: Lieu Van Tran & Hgan Thi Tran  
Under Negotiation: Price and Terms of Payment
- c. Property: APN 767-01-052  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: Rocke and Glenda Garcia  
Under Negotiation: Price and Terms of Payment
- d. Property: APN 767-12-024, 310 West Dunne Avenue  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: John Howard  
Under Negotiation: Price and Terms of Payment
- e. Property: APN 767-05-024, 205 Warren Avenue  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: Susan and Robert Kerr  
Under Negotiation: Price and Terms of Payment
- f. Property: APN 767-05-037  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: John A. Giancola  
Under Negotiation: Price and Terms of Payment
- g. Property: APN 767-06-034, 035, 272 Warren Avenue  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: County of Santa Clara

Under Negotiation: Price and Terms of Payment

- h. Property: APN 767-05-001 and 767-04-009  
Agency Negotiators: Steve Rymer and Karl Bjarke  
Negotiating Parties: PG&E/Water District  
Under Negotiation: Price and Terms of Payment

## **RECONVENE**

## **CLOSED SESSION ANNOUNCEMENT**

## **WORKSHOP**

### **Development User Fee Study**

The purpose of this workshop is to provide a high-level overview of the methodology and process followed in the development of the City's Development User Fees. The goal is to receive fee setting policy direction from the City Council.

## **PRESENTATION**

## **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**

### **Quarterly Teammate Recognitions**

#### **New Hires**

Cynthia Hasson- Assistant City Attorney  
Gilbert Bailon- Utility Worker I  
Alfredo Balajadia- Electrician  
Pam van der Leeden - GIS/Land Use Data Administrator  
Clint Byrum- Utilities Operations Manager  
Inga Alonzo- Management Analyst (Utilities)  
Vicky Rossi- Business Assistant

#### **Promotions**

Christie Thomas- Housing Program Coordinator

**Retirements**

Angela Rivera- Accounting Assistant II  
Kat Corrales- Business Assistant

**PRESENTATION**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PRESENTATIONS**

**YAC PRESENTATION - ASSET # 7 - COMMUNITY VALUES YOUTH**

**PROCLAMATIONS**

Proclaiming the Month of July 2017 as Parks and Recreation Month

**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)

**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. INDIAN ASSOCIATION OF SOUTH COUNTY FLAG RAISING AT COMMUNITY AND CULTURAL CENTER REQUEST**

Recommendation:

Approve request from Indian Association of South County to raise the Flag of India at the Community and Cultural Center.

**2. APPROVE PURCHASE OF CENTENNIAL RECREATION CENTER FITNESS EQUIPMENT**

Recommendation:

1. Approve the purchase of \$82,731 in fitness equipment for the Centennial Recreation Center using YMCA pricing;
2. Determine that a competitive bid would not likely result in a lower price pursuant to Morgan Hill Municipal Code Section 3.04.150(B); and
3. Delegate authority to the City Manager to execute documents to affect such purchase.

**3. PURCHASE OF FOUR POLICE FORD EXPLORERS**

Recommendation:

1. Adopt resolution authorizing the purchase (including build-out) of four patrol 2017 Ford Explorers for an amount not to exceed \$237,444; and
2. Authorize the salvage of 2011 Crown Victoria Patrol #131 (vin# 2761) and auction/salvage of three 2011 Crown Victoria Patrol Vehicles as necessary following their temporary use assignments.

**4. FIRST AMENDMENT TO AGREEMENT WITH ASSOCIATED RIGHT OF WAY SERVICES, INC. FOR HALE AVENUE EXTENSION PROJECT**

Recommendation:

Approve and authorize the City Manager to execute a First Amendment to the agreement with Associated Right of Way Services, Inc. in the amount of \$75,000, for a total contract amount not to exceed \$145,000 to continue with property acquisitions efforts for the Hale Avenue Extension Project.

**5. ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS FOR CAMPOLI - TRACT NO. 10215**

Recommendation:

Adopt resolution:

1. Accepting the subdivision public improvements for Campoli – Tract No. 10215;
2. Authorizing the Public Works Director to sign a Notice of Completion; and
3. Directing the City Clerk to file the Notice of Completion with the Recorder of Santa Clara County.

**6. ACCEPTANCE OF SUBDIVISION PUBLIC IMPROVEMENTS FOR TILTON PARK- TRACT NO. 10228**

Recommendation:

Adopt resolution:

1. Accepting the subdivision public improvements for Tilton Park – Tract No. 10228;
2. Authorizing the Public Works Director to sign a Notice of Completion; and
3. Directing the City Clerk to file the Notice of Completion with the Recorder of Santa Clara County.

**7. APPROVAL OF PRICE DRIVE SUBDIVISION STORMWATER BEST MANAGEMENT PRACTICES (BMP) OPERATION AND MAINTENANCE AGREEMENTS**

Recommendation:

Adopt resolution:

1. Approving four (4) Subdivision Stormwater Best Management Practices (BMP) Operation and Maintenance Agreements; and
2. Authorizing the City Manager to execute the Stormwater BMP Operation and Maintenance Agreements pending review and approval by the City Attorney.

**8. FINAL MAP APPROVAL FOR MADISON GATE PHASE 2 - TRACT NO. 10418**

Recommendation:

Adopt resolution:

1. Approving the Final Map; and
2. Authorizing the recordation of the Final Map.

**9. MAY 2017 FINANCIAL AND INVESTMENT REPORT**

Recommendation:

Accept and file report.

**10. APPROVE THE JUNE 21, 2017 MEETING MINUTES**

Recommendation:

Approve Minutes.

**11. APPROVE THE JUNE 28, 2017 MEETING MINUTES**

Recommendation:

Approve Minutes.

**OTHER BUSINESS**

**12. PROPOSITION 64 (MARIJUANA) UPDATE**

Recommendation:

1. Open and Close the Public Hearing on the revised marijuana ordinance;
2. Waive the first and second reading;
3. Introduce ordinance revising the Municipal Code restrictions on medical marijuana to restrict both medical and recreational marijuana activities; and
4. Provide direction on a future facilitated marijuana workshop.

Estimated Time: 20 Minutes

**13. BIKEWAYS, TRAILS, PARKS AND RECREATION MASTER PLAN ADOPTION**

Recommendation:

1. Adopt the Bikeways, Trails, Parks and Recreation Master Plan Update;
2. Approve an amendment to the General Plan Environmental Impact Report for the Master Plan Update; and
3. Provide staff direction on next steps for the utilization of the Friendly Inn Non-Profit Center and El Toro Youth Center.

Estimated Time: 20 Minutes

#### **14. INCLUSIVE PLAYGROUND CONSULTANT SERVICES AGREEMENT WITH MAGICAL BRIDGE**

Recommendation:

Authorize the City Manager to execute, further negotiate, and subsequently administer an agreement with the Magical Bridge Foundation for services up to \$600,000 related to the development of an inclusive playground in Morgan Hill.

Estimated Time: 10 Minutes

#### **15. OUTDOOR SPORTS CENTER UPDATE**

Recommendation:

1. Direct staff to issue a Request for Proposals for operations at the Outdoor Sports Center;
2. Provide staff with direction on the guiding principles of the Request for Proposals; and
3. Adopt resolution amending the Fiscal Year 2017-18 Budget appropriating \$1,350,000 from the Park Maintenance Fund (302) for replacement of the artificial turf fields at the Outdoor Sports Center.

Estimated Time: 30 Minutes

### **PUBLIC HEARING**

#### **16. 2017 HAZARDOUS VEGETATION PROGRAM CHARGES**

Recommendation:

1. Open/Close Public Hearing;
2. Adopt resolution A ordering the Final Report on the 2017 Weed and Brush Abatement Program Assessment Report – Program Charges to be transmitted to the Santa Clara County Assessor's Office and that liens be posted against the properties on the report, excluding Assessor Parcel Numbers (APN) struck out of the attached list; and
3. Adopt resolution B ordering the Final Report on the 2017 Weed and Brush Abatement Program Assessment Report – Program Charges to be transmitted to the Santa Clara County Assessor's Office and that liens be posted against the properties on the report, excluding Assessor Parcel Numbers (APN) struck out of the attached list.

Estimated Time: 10 Minutes

#### **17. IMPACT FEE FINANCING AGREEMENT-COCHRANE CO-BRANDS II, INC.**

Recommendation:

Adopt resolution authorizing the City Manager to execute a Sewer and Traffic Impact Fee Financing Agreement, consistent with the Sewer and Traffic Impact Fee Deferral Program and Government Code section 53083, with Cochrane Co-Brands II, Inc. for the development of a 76 Gas Station and Burger King restaurant at Cochrane Commons.

Estimated Time: 15 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](mailto: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](mailto: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.