



**Meeting Minutes  
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, May 3, 2017 5:00 PM**

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

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**(5:00 P.M. SOFTWARE TRAINING / 6:00 P.M. COMMISSION  
INTERVIEWS / 7:00 P.M. REGULAR MEETING)**

**SPECIAL/REGULAR MEETING**

A Special Meeting of the City Council was called at 5:00 p.m. for the purpose of conducting a training and commission interviews.

**SPECIAL MEETING**

**5:00 P.M.**

**CALL TO ORDER**

Mayor Tate called the meeting to order at 5:09 p.m.

**ROLL CALL ATTENDANCE**

Deputy City Clerk Wilson

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Steve Tate	Mayor	Present	
Larry Carr	Mayor Pro Tem	Present	

Rich Constantine	Council Member	Present	
Caitlin Jachimowicz	Council Member	Present	
Rene Spring	Council Member	Present	

## **DECLARATION OF POSTING AGENDA**

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

### **TRAINING**

Accela WeGovern app electronic agenda access and electronic voting training.

### **COMMISSION INTERVIEWS**

#### **1. INTERVIEWS TO FILL ONE (1) VACANCY ON THE LIBRARY, CULTURE, AND ARTS COMMISSION AND THREE (3) VACANCIES ON THE PLANNING COMMISSION**

Recommendation:

1. Accept Library, Culture, and Arts commissioner Linda Vrabel's resignation;
2. Discuss the characteristics/traits that a successful applicant(s) would possess;
3. Conduct Interviews;
4. Council Members identify top applicant(s) and provide recommendation to the Mayor; and
5. Discuss and/or appoint applicant(s).

The Mayor and Council shared the characteristics they are looking for in successful commission applicants.

Brigitte Crawford and Katie Khera were interviewed for the Library, Culture, and Arts Commission.

Mohammad Habib, Yvonne Martinez Beltran, and John McKay were interviewed for the Planning Commission.

### **MOTION**

Motion to accept Library, Culture, and Arts Commissioner Linda Vrabel's resignation.

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Jachimowicz, Council Member
<b>SECONDER:</b>	Rich Constantine, Council Member
<b>AYES:</b>	Tate, Carr, Constantine, Jachimowicz, Spring

### **MOTION**

Appointing Katie Khera to the Library, Culture, and Arts Commission and appointing John McKay, Mohammad Habib, and Yvonne Martinez Beltran to the Planning Commission.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rich Constantine, Council Member
<b>SECONDER:</b>	Caitlin Jachimowicz, Council Member
<b>AYES:</b>	Tate, Carr, Constantine, Jachimowicz, Spring

## **REGULAR MEETING**

**7:00 P.M.**

## **SILENT INVOCATION**

## **PLEDGE OF ALLEGIANCE**

## **CITY COUNCIL REPORTS**

Council Member Spring shared that he loves spring time in our town because there are so many wonderful events going on such as, the downtown walks on Saturdays or the history talks on the first Saturday of the month both organized by the Historical Society. Another great event, the Cops and Robbers Ball was held last Saturday and was organized by the Community Law Enforcement Foundation. He volunteered at the Art a la Cart event Saturday morning. On Monday evening, he attended a High Speed Rail (HSR) community meeting which was less fun and somewhat disturbing. Some of the HSR representatives quoted positions that the Council took which were not correct. We should do whatever we can to make sure that the Council's position is known to both the community and HSR. He encouraged the community to reach out to City teammates or the Council if they have questions.

## **CITY MANAGER'S REPORT**

Under the Council's highest priority of Enhancing Public Safety, City Manager Rymer recognized Corporal Scott Silva and Officer John Kuhlen for coordinating a regional traffic enforcement effort on the morning of April 26, 2017. He also thanked and recognized the following agencies for their participation and efforts: the cities of Campbell, Sunnyvale, Mountain View, Milpitas, Los Altos, San Jose, Santa Clara, and the Santa Clara County Sheriff's Office. We will return the favor and be working with these agencies in their communities. This is a reminder for all of us to keep the community safe by abiding by driving laws when in the car.

He encouraged the public to participate in the meeting and to share their voice and ideas on the various items on the agenda.

He shared that the City has started a new communication to our community. Starting last week, we are sending a weekly 411 email consolidating all our communications into one place. He asked that the community please provide feedback regarding the new communication.

Last week, the City sent out a call for local artists. We will be accepting submissions through June 30<sup>th</sup> for specific items. You can visit our website to find out more. There are three new parks that will be built downtown; we strongly encourage the local artists to apply. We want the parks and the art in the parks to reflect our community.

He commented that the City is also working with a new council agenda management system, and asked the community to please bear with us as we learn and transition to the new system.

He recommended that item 20 be moved up to the first or second business item this evening and concluded by speaking to the evening's supplements and presentations.

## **CITY ATTORNEY'S REPORT**

City Attorney Donald Larkin introduced Cynthia Hasson, the new Assistant City Attorney. He spoke regarding the High Speed Rail (HSR) meeting that took place on Monday and read an excerpt of a letter that he drafted and sent to the HSR yesterday in response to their comments at the meeting.

## **OTHER REPORTS**

Council Member Constantine shared that the middle school students from the 2017/18 Mizuho-Morgan Hill Student Exchange Program are collecting your unwanted house hold items to raise funds for their cultural exchange trip to Japan in 2018. Mizuho is one of our Sister Cities. This being spring time as the

weather is dictating, they are holding a spring cleanup day, Saturday, May 13, 2017 from 9:00 a.m. to 3:00 p.m. in conjunction with Goodwill. Please look for the Goodwill truck at the corner of Tennant Avenue and Monterey Road.

He reported that he received an email yesterday from Susan who is a volunteer coordinator for Town Cats of Morgan Hill. She shared that during the storms and floods this winter, they were housing many feral cats, they found homes for most of the cats and the building they were using is no longer needed. They are looking for volunteers to help clean up that building on the weekend of May 19, 2017. If you would like to volunteer, you can find more information on the City's social media pages; the event is called "the Big Clean" and lunch will be provided.

## **PROCLAMATIONS**

Proclaiming May 20, 2017 as Kids to Parks Day  
Proclaiming May 15, 2017 as Peace Officers' Memorial Day and  
the week of May 14-20, 2017 as National Police Week  
Proclaiming the week of May 7-13, 2017 as Wildfire Awareness Week  
Proclaiming the month of May as Aquatics Month  
Proclaiming the month of May as Foster Care/Resource Parent Month

## **PUBLIC COMMENT**

The public comment was opened at 7:40 p.m.

Michelle Wexler was called to speak.

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

## **SUPPLEMENTS UNDER PUBLIC COMMENT**

## **ADOPTION OF AGENDA**

### **MOTION**

Adopting the agenda moving item 20 before the consent calendar.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rich Constantine, Council Member
<b>SECONDER:</b>	Larry Carr, Mayor Pro Tem
<b>AYES:</b>	Tate, Carr, Constantine, Jachimowicz, Spring

## **ITEM MOVED FROM OTHER BUSINESS**

### **20. INCREASE SPECIFIED FINES DURING CERTAIN PERIODS**

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce Ordinance.

Sergeant Carson Thomas presented the staff report.

The public comment was opened at 7:57 p.m.

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

### **MOTION**

Waiving the first and second reading of the ordinance.

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

**MOTION**

Introducing the ordinance.

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

**RESOLUTIONS OF SUPPORT**

**2. ADOPT RESOLUTION REAFFIRMING THE CITY'S COMMITMENT TO A DIVERSE, SUPPORTIVE, INCLUSIVE COMMUNITY AND TO PROTECTING THE CONSTITUTIONAL RIGHTS OF ITS RESIDENTS**

Recommendation:

Adopt resolution reaffirming the City's commitment to a diverse, supportive, inclusive community and to protecting the constitutional rights of its residents.

Mayor Tate presented the report.

The public comment was opened at 7:59 p.m.  
Anonymous individual was called to speak.  
Hearing no further requests to speak, the public comment was closed.

The meeting went into recess at 8:02 p.m.  
The meeting was reconvened at 8:11 p.m.

**MOTION**

Approving the recommended action.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Rene Spring, Council Member  
**SECONDER:** Rich Constantine, Council Member  
**AYES:** Tate, Carr, Constantine, Jachimowicz, Spring

**CONSENT CALENDAR**

**MOTION**

Approving consent calendar items 4 through 14 with Council Member Spring abstaining on item 13.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Larry Carr, Mayor Pro Tem
<b>SECONDER:</b>	Caitlin Jachimowicz, Council Member
<b>AYES:</b>	Tate, Carr, Constantine, Jachimowicz, Spring

**3. ITEM PULLED FOR DISCUSSION**

**4. APPROVE AMENDED CASH DEPOSIT GUARANTEEING IMPROVEMENTS FOR GIOVANNI DEVELOPMENT - TRACT NO. 9971**

Recommendation:

Adopt resolution:

1. Amending Cash Deposit Agreement Guaranteeing Improvements for Giovanni Development – Tract No. 9971 with Giovanni Development Company, LLC; and
2. Authorizing the City Manager to execute the agreement pending review and approval by the City Attorney.

**5. AWARD CONTRACT FOR THE MONTEREY ROAD PRESERVATION PROJECT**

Recommendation:

Adopt resolution to:

1. Amend the Fiscal Year 2016-17 budget and appropriate an additional \$899,526 from the Street CIP Fund (308) for the Monterey Road Preservation Project (CIP Project No. 519Z15);
2. Approve project plans and specifications;
3. Award a contract to Granite Construction Company for the Monterey Road Preservation Project in the amount of \$2,465,933;
4. Authorize expenditure of construction contingency funds not to exceed \$246,593; and
5. Authorize the City Manager to execute and administer the construction contract with Granite Construction Company.

**6. AWARD BOYS RANCH WELL #2A AND JACKSON WELL #3 PROJECT**

Recommendation:

1. Approve Boys Ranch Well #2 and Jackson Well #3 Project plans and specifications;
2. Award a contract to Conco-West, Inc. for the Boys Ranch Well #2 and Jackson Well #3 Project in the amount of \$1,281,230;
3. Authorize expenditure of construction contingency funds not to exceed \$128,123; and
4. Authorize the City Manager to execute and administer the construction contract with Conco-West, Inc.

**7. APPROVAL OF MICROSOFT ENTERPRISE AGREEMENT**

Recommendation:

1. Approve the purchase of Microsoft Office 365 Government Enterprise 3, Exchange Plan 2 and Software Assurance and Device Client Access Licenses from Insight Public Sector, Inc. for a not-to-exceed amount of \$75,000; and
2. Authorize the City Manager to execute a Microsoft Enterprise Agreement for the licensing of City of Morgan Hill Microsoft products and services, pending review and approval by the City Attorney.

**8. ANNUAL REPORT ON CENTENNIAL RECREATION CENTER MEMBERSHIP**

Recommendation:

Accept the Annual Report on Centennial Recreation Center Membership.

**9. SILICON VALLEY ENERGY WATCH GRANT FOR ENERGY CONTROL IMPROVEMENTS**

Recommendation:

1. Accept \$90,000 grant from the City of San Jose for Silicon Valley Energy Watch funding and authorize the City Manager to execute a grant agreement subject to the review and approval of the City Attorney; and
2. Direct staff to include the grant revenue and expenditures in the Fiscal Year 2017-18 budget, including an additional appropriation of \$27,790 for City matching funds from the Building Maintenance Fund.

**10. PARK PLACE AFTER SCHOOL PROGRAM CONTINUATION**

Recommendation:

Direct staff to include \$13,000 in funding from the General Fund for consideration in the mid-cycle budget review for FY 2017-18 to fund the afterschool program at Park Place with the expiration of CALGRIP grant funding.

**11. CITY POSITION ON PENDING LEGISLATION SB 649 AND AB 1250**

Recommendation:

Receive legislative correspondence in opposition of SB 649 (Hueso) Wireless Telecommunications Facilities and AB 1250 (Jones-Sawyer) Counties and Cities: Contracts for Personal Services.

**12. ADOPT ORDINANCE 2234, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT FOR A NINE LOT DEVELOPMENT PROJECT AAE2017-0010: WALNUT GROVE-NEWLAND LOCATED ON THE EAST SIDE OF WALNUT GROVE DRIVE, SOUTH OF DIANA AVENUE (APN 726-07-089,726- 07-023, -024)**

Recommendation:

Waive the reading, adopt Ordinance No. 2234, 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.

**13. ITEM PULLED FOR SEPERATE VOTE**

**14. APPROVE THE APRIL 19, 2017 MEETING MINUTES**

Recommendation:

Approve Minutes.

Approve the meeting minutes.

## **ITEMS PULLED FROM CONSENT**

### **APPROVE THE APRIL 5, 2017 MEETING MINUTES**

Recommendation:

Approve Minutes.

Approve minutes.

<b>RESULT:</b>	<b>APPROVED [4 TO 0]</b>
<b>MOVER:</b>	Larry Carr, Mayor Pro Tem
<b>SECONDER:</b>	Caitlin Jachimowicz, Council Member
<b>AYES:</b>	Tate, Carr, Constantine, Jachimowicz
<b>ABSTAIN:</b>	Spring

### **3. FINAL MAP APPROVAL OF DUNNE MURPHY - TRACT NO. 10387**

Recommendation:

Adopt resolution:

1. Approving the Final Map;
2. Authorizing the City Manager to execute the Subdivision Improvement Agreement with Live Oak Investments LLC;
3. Authorizing the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
4. Authorizing the recordation of the Final Map and the Subdivision Improvement Agreement.

Community Development Director Jennifer Carman presented the staff report.

#### **MOTION**

Approving the recommended actions.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Tate, Mayor
<b>SECONDER:</b>	Caitlin Jachimowicz, Council Member
<b>AYES:</b>	Tate, Carr, Constantine, Jachimowicz, Spring

## **OTHER BUSINESS**

### **15. CITY MANAGER AMENDED AND RESTATED EMPLOYMENT AGREEMENT**

Recommendation:

Approve the City Manager's Amended and Restated Employment Agreement.

Mayor Tate presented the report.

The public comment was opened at 8:20 p.m.  
Hearing no requests to speak, the public comment was closed.

#### **MOTION**

Approving the recommended action.



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

**16. MASTER SERVICES AGREEMENT WITH OPEN COUNTER ENTERPRISES, INC. FOR A WEB BASED TOOL FOR ZONING AND PERMITTING.**

Recommendation:

Authorize the City Manager to execute a Master Services Agreement with Open Counter Enterprises, Inc. for a not-to-exceed fee of \$79,000 for the configuration and use of the Open Counter Economic Development software service suite for three years.

Economic Development Coordinator John Lang and Economic Development Director Edith Ramirez presented the report and introduced Peter Koht with Open Counter who continued the presentation.

The public comment was opened at 8:50 p.m.  
Hearing no requests to speak, the public comment was closed.

**MOTION**

Approving the recommended action.

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

**17. ECONOMIC BLUEPRINT BUDGET REQUEST**

Recommendation:

1. Discuss the proposed budget for initial Economic Blueprint implementation; and
2. Direct staff to include funding the implementation of the Economic Blueprint as part of the budget mid-cycle workshop on May 19, 2017.

Economic Development Director Edith Ramirez presented the report.

The public comment was opened at 9:01 p.m.  
John McKay was called to speak.  
Hearing no further requests to speak, the public comment was closed.

**MOTION**

Approving the recommended action.

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

**18. HISTORICAL SOCIETY PARTNERSHIP FRAMEWORK**

Recommendation:

1. Direct staff to develop an agreement with the Morgan Hill Historical Society for the operation of Villa Mira Monte as a public facility, based on framework outlined in this report; and
2. Direct staff to include operating and maintenance financial support for the Historical Society in the budget mid-cycle discussion.

Community Services Director Chris Ghione presented the staff report.

The public comment was opened at 9:13 p.m.

Kathy Sullivan was called to speak.

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

**MOTION**

Approving the recommended action.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rich Constantine, Council Member
<b>SECONDER:</b>	Rene Spring, Council Member
<b>AYES:</b>	Tate, Carr, Constantine, Jachimowicz, Spring

**19. ACCEPTANCE OF STATE HOMELAND SECURITY GRANTS AND APPROVAL OF THE PURCHASE OF A PUBLIC SAFETY COMMAND VEHICLE**

Recommendation:

1. Accept the 2016 and 2017 State Homeland Security Grant Program grants in the amount of \$690,132;
2. Approve sole source purchasing process through LDV; and
3. Direct staff to return at a future meeting with a recommendation to confirm the purchase of a Public Safety Command Vehicle.

Police Captain Shane Palsgrove presented the staff report.

The public comment was opened at 9:30 p.m.

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

**MOTION**

Approving the recommended action.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Larry Carr, Mayor Pro Tem
<b>SECONDER:</b>	Rich Constantine, Council Member
<b>AYES:</b>	Tate, Carr, Constantine, Jachimowicz, Spring

**20. ITEM MOVED UP ON THE AGENDA TO FOLLOW THE ADOPTION OF THE AGENDA.**

**FUTURE COUNCIL INITIATED AGENDA ITEMS**

Council Member Spring asked to have the High Speed Rail come back at some point.

**ADJOURNMENT**

The meeting was adjourned at 9:31 p.m.

**Minutes Prepared by:**

*Michelle Wilson, Deputy City Clerk*



### *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.