



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Marilyn Librers, Council Member	Marilyn Librers, Agency Member

WEDNESDAY, JUNE 24, 2009

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

AND

REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Tate)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Mayor Tate

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL AND FOR THE REDEVELOPMENT AGENCY. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK/AGENCY SECRETARY.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-8 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **MAY 19, 2009 SPECIAL MUNICIPAL ELECTION - CERTIFIED STATEMENT OF ELECTION RESULTS** 1
Recommended Action(s): **Adopt** Resolution - Reciting the Facts of the Special Municipal Election of May 19, 2009; Declaring the Results of Such Other Matters as Provided by Law.
2. **PUBLIC WORKS MAINTENANCE AGREEMENTS FOR FY 2009-10 AND 2010-11** 23
Recommended Action(s):
 1. **Approve** new maintenance agreements for 1) Emergency Pump Maintenance and Repair for Booster Stations, 2) Emergency Repairs, Maintenance and Parts for Well Sites, 3) Signal and Striping of Streets/Traffic Lines/Legends/School Crossings, 4) Traffic Signal and Street Light Maintenance, 5) Tree Pruning, 6) Laboratory Service for Potable Water Sampling and Analysis; and
 2. **Authorize** the City Manager to execute the agreement on behalf of the City.

3.	<u>APPROVE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR DESIGN OF THE DIANA PARK REPLACEMENT WELL AND PUMP STATION</u>	77
	Recommended Action(s): <u>Authorize</u> the City Manager to Execute a First Amendment to the professional services agreement with Luhdorff & Scalmanini (LSCE) for design services, including; preparation of plans, specifications and construction support for the Diana Park Replacement Well and Pump Station.	
4.	<u>FOURTH AMENDMENT TO HOUSEHOLD HAZARDOUS WASTE AGREEMENT FOR 2006-2009</u>	79
	Recommended Action(s): <u>Authorize</u> the City Manager to execute the Fourth Amendment to the City's Household Hazardous waste Agreement with the County.	
5.	<u>MONTHLY FINANCIAL AND INVESTMENT REPORTS - CITY</u>	83
	Recommended Action(s): <u>Accept</u> and File Report.	
6.	<u>EXCEPTION TO LOSS OF BUILDING ALLOTMENT AWARDED TO APPLICATION MC-05-11: EAST THIRD - GLENROCK</u>	113
	Recommended Action(s): <u>Adopt</u> Resolution approving a 24-month extension of time for commencement of construction.	
7.	<u>ADOPT ORDINANCE NO. 1942, NEW SERIES</u>	117
	Recommended Action(s): <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1942, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION, DAA-05-09C: DEL MONTE-GIOVANNI.	
8.	<u>ADOPT ORDINANCE NO. 1943, NEW SERIES</u>	125
	Recommended Action(s): <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1943, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ARTICLE II AND ARTICLE III, THE STANDARDS AND CRITERIA AND MICRO PROJECT COMPETITION PROCEDURES OF THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM AS SET FORTH IN CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE.	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 9

Time Estimate	Page	
Consent Calendar: 1 - 10 Minutes		
9.	<u>MONTHLY FINANCIAL AND INVESTMENT REPORTS - RDA</u>	159
	Recommended Action(s): <u>Accept</u> and File Report.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 10-11

	Page
Time Estimate	
Consent Calendar: 1 - 10 Minutes	
10. <u>SMART POOL PUMP PURCHASE AND INSTALLATION AGREEMENT</u>	169
<u>Recommended Action(s):</u>	
1. Approve Purchase and Installation of Smart Pool Pump Control Systems from Pool Time for the Centennial Recreation Center and Aquatics Center;	
2. Authorize the City Manager to Execute the Agreement on Behalf of the City; and	
3. Appropriate \$58,290 from the Redevelopment Agency Unappropriated Fund Balance (Fund 317) for this project	
11. <u>APPROVE RESOLUTION OF LOCAL SUPPORT FOR TIER II OF THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FOR 2009 CHURCH STREET RESURFACING PROJECT AND APPROPRIATE FUNDING</u>	187
<u>Recommended Action(s):</u>	
1. Approve the Resolution Authorizing Staff to File an Application for Federal ARRA 2009 Funding for the Church Street (Dunne to San Pedro) Resurfacing Project; and	
2. Appropriate \$106,000 from Current Year Fund 315 (RDA) Unappropriated Fund Balance to Fund Construction of the Church Avenue Resurfacing Project subject to reimbursement for ARRA funds	

City Council Action

OTHER BUSINESS:

	Page
Time Estimate	
12. 5 Minutes <u>ENVIRONMENTAL ASSESSMENT APPLICATION, EA-09-09: EAST THIRD – CITY OF MORGAN HILL</u>	193
<u>Recommended Action(s):</u> Approve the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program.	
13. 10 Minutes <u>CONDUCT HEARING AND CONSIDER ADOPTION OF RESOLUTION OF NECESSITY FOR PROPERTY ACQUISITION FOR A MUNICIPAL PARKING LOT</u>	201
<u>Recommended Action(s):</u> Adopt Resolution of Necessity for Acquisition of the Property Commonly Known as 35 East Third Street, Morgan Hill, California; APN 726-14-007 (the “Property”) for the Expansion of a Municipal Parking Lot.	

City Council Action

PUBLIC HEARINGS:

	<u>Time Estimate</u>		<u>Page</u>
14.	5 Minutes	<u>FOX HOLLOW/MURPHY SPRINGS LANDSCAPE ASSESSMENT DISTRICT ADOPTION OF RESOLUTION CONFIRMING FISCAL YEAR 2009-10 ANNUAL ASSESSMENT</u>	217
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Adopt</u> the Resolution Confirming the Fiscal Year 2009-10 Annual Assessments and Ordering the Levy for Assessments for the Fox Hollow Murphy Springs Landscape Assessment District	
15.	5 Minutes	<u>AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING CERTAIN SECTIONS OF CHAPTER 3.56 (DEVELOPMENT IMPACT MITIGATION FEES) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL TO DELETE GEOGRAPHIC LIMITATIONS FOR USE OF IMPACT FEES FOR THEIR LAWFUL USE</u>	307
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the first and second reading of the Ordinance. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	<u>Time Estimate</u>		<u>Page</u>
16.	10 Minutes	<u>RESOLUTION OPPOSING GOVERNOR AND LEGISLATURE'S PROPOSAL TO TAKE CITY GAS TAX AND REDEVELOPMENT TAX INCREMENT TO HELP BALANCE STATE BUDGET</u>	313
		<u>Recommended Action(s): Adopt</u> Resolution opposing proposal by Governor and State Legislature to divert local funds to help balance the State budget.	
17.	10 Minutes	<u>CARBON DIET CLUB FOR CITY COUNCIL</u>	319
		<u>Recommended Action(s):</u> Council Discretion.	

FUTURE COUNCIL AGENCY-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.

City Council Action

CLOSED SESSIONS:

1.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code 54956.8
Property: Utility easement through county owned property located west of Monterey Road, along Llagas Creek
Negotiating Parties:
City: City Manager; City Attorney; Director of Public Works
Property Owner: Santa Clara County
Under Negotiation: Price and Terms of Payment

2.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code 54956.8
Property: APN 726-14-007; 35 East Third Street
Negotiating Parties:
City: City Manager; City Attorney; Assistant to City Manager
Property Owner: Dwight & Lola Jungkeit
Under Negotiation: Price and Terms of Payment

Redevelopment Agency Action

CLOSED SESSIONS:

3.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code 54956.8
Property: APN 726-14-001; 95 East Third Street
Negotiating Parties:
Agency: Executive Director, Agency Counsel, Assistant to City Manager
Property Owner: Llagas Valley Investments LLC
Under Negotiation: Price and Terms of Payment

4.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code 54956.8
Property: APN 726-13-041; 30 East Third Street
Negotiating Parties:
Agency: Executive Director, Agency Counsel, Assistant to City Manager
Property Owner: Villafranca
Under Negotiation: Price and Terms of Payment

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

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/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission 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.