



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Steve Tate, Mayor
Greg Sellers, Mayor Pro Tempore
Larry Carr, Council Member
Marby Lee, Council Member
Marilyn Librers, Council Member

REDEVELOPMENT AGENCY

Steve Tate, Chair
Greg Sellers, Vice-Chair
Larry Carr, Agency Member
Marby Lee, Agency Member
Marilyn Librers, Agency Member

WEDNESDAY, MAY 6, 2009

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

AND

REDEVELOPMENT AGENCY REGULAR MEETING

6:00 P.M.

A Special Meeting of the City Council is called at 6:00 p.m. for the Purpose of Conducting Planning Commission Interviews.

Steve Tate, Mayor

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)

1. **INTERVIEWS TO FILL THREE (3) VACANCIES ON THE PLANNING COMMISSION**..... 1

Recommended Action(s):

1. Council **Discussion** about the characteristics/traits it is seeking in candidate(s) to serve on the Planning Commission;
2. Council to **Conduct** interviews;
3. Council to **Recommend** appointments; and
4. Mayor to **Return with Recommended** Appointments for Council Discussion and Ratification.

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bike to Work Week

Julie Behzad, Public Works Department

National Public Works Week

Jim Ashcraft, Public Works Director

National Foster Care Month

Jayne Rovianek

Hearing and Speech Month

Barry Del Buono, Let Them Hear Foundation

Peace Officers Memorial Week 5/11/09-5/15/09

Morgan Hill Police Chief Bruce Cumming

RECOGNITIONS

Earth Day Poster Contest Winners

*Clarissa Wang, Hudson Brown, Crystal Li, Havilah Brown,
Noor Elhage, Hillary Guerro, Dustin Kafaliotis, Andie Koldewyn, Quinton McCain*

Recyclers of the Year

*Advance Fabrication and the Donn Family
Julie Alter, South Valley Disposal & Recycling*

Morgan Hill Green Businesses

Affordable Roofing, Chase VP Design-Print-Mail

CITY COUNCIL REPORTS

Council Member Carr

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER COUNCIL 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 2-8 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

- 2. **2008 ANNUAL CONSUMER CONFIDENCE REPORT REGARDING WATER QUALITY** 27
 Recommended Action(s): For Council **Information** Only.

- 3. **AWARD OF BARRETT AVENUE WATER AND SEWER MAINS PROJECT** 33
 Recommended Action(s):
 - 1. **Approve** Project Plans and Specifications;
 - 2. **Award** Contract to K.J. Woods Construction, Inc. of San Francisco, California, for the Construction of the Barrett Avenue Water and Sewer Mains Project in the Amount of \$1,388,000; and
 - 3. **Authorize** Expenditure of Construction Contingency Funds Not to Exceed \$138,800.

- 4. **ADOPT DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION AGREEMENT** 37
 Recommended Action(s):
 - 1. **Adopt** the Disadvantaged Business Enterprise (DBE) Implementation Agreement for Federally Funded Grant Projects; and
 - 2. **Authorize** the City Manager to Sign an Agreement with the Department of Transportation on Behalf of the City of Morgan Hill, Subject to City Attorney Review.

- 5. **CENTENNIAL RECREATION CENTER FITNESS EXPANSION – DESIGN DEVELOPMENT DRAWINGS**.....47
 Recommended Action(s):
 - 1. **Approve** Design Development Drawings for the Centennial Recreation Center Fitness Expansion; and
 - 2. **Direct** Staff to Proceed to Completion of Construction Documents.

- 6. [RESIDENTIAL DEVELOPMENT CONTROL SYSTEM \(RDCS\) 2009 QUARTERLY REPORT #1](#)..... 49
Recommended Action(s): **Accept** and **File** the RDCS First Quarter Report for 2009.
- 7. [ADOPT ORDINANCE NO. 1931, NEW SERIES](#) 77
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1931, New Series, and **Declare** 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 SECTION 15.44.150(2)(2) [in part] (FIRE PROTECTION SYSTEMS) OF CHAPTER 15.44 (FIRE PREVENTION CODE) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL.**
- 8. [APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF APRIL 22, 2009](#) 83

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 9

Time Estimate Page
 Consent Calendar: 1 - 10 Minutes

- 9. [SELECTION OF PROPOSED OPERATOR FOR DOWNTOWN CINEMA](#)..... 85
Recommended Action(s):
 1. **Confirm** Staff Recommendation to Pursue CineLux as the Operator for the New Granada Project as Well as the Temporary Reopening of the Existing Granada; and
 2. **Direct** Staff to Negotiate Two Exclusive Negotiate Agreements (ENA) for Redevelopment Agency Board Considerations.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 10

Time Estimate Page
 Consent Calendar: 1 - 10 Minutes

- 10. [APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF APRIL 22, 2009](#)..... 91

City Council Action

PUBLIC HEARINGS:

Time Estimate Page

- 11. 15 Minutes [SOLID WASTE MANAGEMENT RATE ADJUSTMENT AND PROGRAM AUGMENTATION](#)103
 Reopen Public Hearing Continued From April 22, 2009
 Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
 Council Discussion.
 Action- **Direct** Staff to Proceed with RecycleBank Implementation and Return to the Council by June 3rd with a Finalized Agreement; and
 Action- **Approve** Rate Resolution "C"

12.	10 Minutes	<u>ADOPTION OF WATER CONSERVATION AND SUPPLY SHORTAGE ORDINANCE</u>113	113
		Reopen Public Hearing Continued From April 22, 2009 Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- Motion to Waive the First and Second Reading in Full of Ordinance. Action- Motion to Introduce Ordinance by Title Only. (Roll Call Vote)	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	<u>Time Estimate</u>		<u>Page</u>
13.	5 Minutes	<u>AWARD OF THIRD STREET PROMENADE PROJECT</u> 131 Recommended Action(s): 1. Appropriate \$410,000 from Unappropriated RDA Fund Balance and Authorize the Transfer of \$150,000 from Unused RDA Funds in Current Year Downtown Street Revitalization Capital Improvement Project (CIP) (#550008); 2. Approve Project Plans and Specifications; 3. Award Contract to Jos. J. Albanese, Inc. for the Construction of the Third Street Promenade Project in the Amount of \$3,503,260; and 4. Authorize Expenditure of Construction Contingency Funds Not to Exceed \$350,326.	131

City Council Action

OTHER BUSINESS:

	<u>Time Estimate</u>		<u>Page</u>
14.	15 Minutes	<u>MORGAN HILL COMMUNITY HEALTH FOUNDATION UPDATE</u>137 Recommended Action(s): Accept the Verbal Report from the Morgan Hill Community Health Foundation.	137
15.	15 Minutes	<u>OUTDOOR SPORTS CENTER RENTAL RATES</u>139 Recommended Action(s): 1. Receive Verbal Report from Parks and Recreation Commission; and 2. Provide Direction on Outdoor Sports Center (OSC) Rates.	139
16.	10 Minutes	<u>2008 ENVIRONMENTAL INDICATOR UPDATE</u>161 Recommended Action(s): Information Only.	161
17.	10 Minutes	<u>ANNUAL REPORT ON STORMWATER ACTIVITIES</u>163 Recommended Action(s): Receive Public Comments; and Accept Report.	163
18.	15 Minutes	<u>CONSIDERATION OF COUNTY REQUEST REGARDING MAJOR LEAGUE BASEBALL TERRITORIAL RIGHTS</u>165 Recommended Action(s): Mayor Tate Recommends the City Council Discuss and Determine Council Policy.	165

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.

OPPORTUNITY FOR PUBLIC COMMENT

Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code 54956.8
Property: APN: 817-35-027, 16715 San Jose Drive
Negotiating Parties: Executive Director, Agency Counsel, Director of Business
Assistance and Housing Services
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.