



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, NOVEMBER 18, 2009

AGENDA

JOINT REGULAR CITY COUNCIL

AND

REDEVELOPMENT AGENCY MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

CITY COUNCIL REPORTS

Council Member Larry Carr

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 COUNCIL SERVICES RECORDS COORDINATOR.

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

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE COUNCIL SERVICES RECORDS COORDINATOR WHO WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-9 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. **ADOPT ORDINANCE NO. 1955, NEW SERIES, an Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to the Development Agreement for MC 04-15: Church-Alcini, to Allow for a 12-Month Extension of Commencement of Construction and Adjustment of the BMR Program Dates Included in the Development Agreement.....1**
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1955, 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.

2. **ADOPT ORDINANCE NO. 1956, NEW SERIES, an Ordinance of the City Council of the City of Morgan Hill Adopting the 2009 Downtown Specific Plan and Approving Associated Amendments to Zoning Map Classifications for Affected Parcels and Increasing the Density of the Central Commercial-Residential (CC-R) Zoning District9**
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1956, 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.

3. **ADOPT ORDINANCE NO. 1957, NEW SERIES, an Ordinance of the City Council of the City of Morgan Hill Creating a Commercial Use Overlay District as an Amendment to Chapter 18.46 (Conditional Zoning) and Adding Article V to Chapter 18.54 (Conditional and Temporary Use Permits) of Title 18 (Zoning) of the Municipal Code of the City of Morgan Hill Regarding Commercial Administrative Use Permits within the New Commercial Use Overlay District, and Adding Central Business District (CBD) to Provisions of the Interim Use Permit Regulations**29
Recommended Action(s): Waive the Reading, and **Adopt** Ordinance No. 1957, 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.
4. **Water Conservation Progress Report** 39
Recommended Action(s): Accept report.
5. **Residential Development Control System (RDCS) 2009 Quarterly Report #3**..... 43
Recommended Action(s): Accept and file the RDCS Third Quarter Report for 2009.
6. **Recreation Software Purchase** 69
Recommended Action(s): Approve the purchase of R.C. Systems’ recreation software contingent on completing the four capability enhancements.
7. **Approval of Contract Change Order for Additional Paving Repair Work Relative to the 2009/10 Pavement Resurfacing Project** 71
Recommended Action(s): Approve contract change order for additional paving repair work to be added to the 2009/10 Pavement Resurfacing Project.
8. **October 2009 Financial & Investment Reports** 73
Recommended Action(s): Accept and file report.
9. **Approve Second Amendment to Professional Services Agreement for Design of the Diana Park Replacement Well and Pump Station** 103
Recommended Action(s): Authorize the City Manager to execute a Second 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.

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 10-13

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

10. **Contract Amendment with Articulate Solutions, Inc. for Third Street Promenade Signage and Marketing Activities** 127
Recommended Action(s): Authorize the Executive Director to amend the existing contract with Articulate Solutions, Inc. to an amount not to exceed \$54,500.
11. **Façade Improvement Grant for Budget Inn**..... 131

Recommended Action(s): Authorize the Executive Director to prepare and execute a second Façade Improvement Agreement for Budget Inn not to exceed the amount of \$58,314.75.

12. **Advertising Campaign with Silicon Valley/San Jose Business Journal**..... 137
Recommended Action(s): Authorize the Executive Director to execute a purchase order with the Silicon Valley/San Jose Business Journal in an amount not to exceed \$55,000 for the purpose of attracting businesses to Morgan Hill.
13. **October 2009 Financial & Investment Reports** 147
Recommended Action(s): Accept and file report.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS	14-15	Page
	Time Estimate	
	Consent Calendar: 1 - 10 Minutes	
14.	Approval of Joint Regular City Council and Redevelopment Agency Meeting Minutes of November 4, 2009	157
15.	Third Street Promenade-November 2009 Progress Report Recommended Action(s): Information Only.	169

City Council Action

PUBLIC HEARINGS:

ITEMS	16-19	Page
	Time Estimate	
16.	5 Minutes Development Agreement DA 09-04: E. Dunne-Jasper Park	175
	Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Recommended Action(s): 1. Waive the first and second reading of the ordinance. 2. Introduce ordinance approving a Development Agreement DA 09-04: E. Dunne-Jasper Park.	
17.	20 Minutes Development Agreement Amendments for: A) DAA-05-13D: Jarvis-South Valley Developers; B) DAA-06-03C: Jarvis-South County Housing; C) DAA-05-01D: Cochrane-Mission Ranch; D) DAA-05-02E: Cochrane-Lupine; and E) DAA-04-05D: Barrett-Odishoo	205
	Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Recommended Action(s): 1. Waive the first and second readings of each ordinance. 2. Introduce ordinances for Items A through E.	

18. 10 Minutes **Consideration of an Urgency Ordinance of the City of Morgan Hill Amending Chapter 5.52 (Tow Car Services) of the Morgan Hill Municipal Code to Update Towing Rules and Establish a Towing Franchise Program**.....271
 Public Hearing Opened.
 Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.
 Council Discussion.
Recommended Action(s):
 1. **Adopt** the urgency ordinance amending Chapter 5.52 (Tow Car Services) of the Morgan Hill Municipal Code to update Towing Rules and establish a Towing Franchise Program.
19. 5 Minutes **Consideration of an Ordinance of the City of Morgan Hill Amending Chapter 5.52 (Tow Car Services) of the Morgan Hill Municipal Code to Update Towing Rules and Establish a Towing Franchise Program**281
 Public Hearing Opened.
 Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.
 Council Discussion.
Recommended Action(s):
 1. **Waive** the first and second reading of the ordinance.
 2. **Introduce** the ordinance amending Chapter 5.52 (Tow Car Services) of the Morgan Hill Municipal Code to update Towing Rules and Establish a Towing Franchise Program.

City Council and Redevelopment Agency Action

PUBLIC HEARINGS:

ITEM	20		Page
	Time Estimate		
20.	10 Minutes	<u>Horizon Senior Housing Project Amendment</u>	289
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Recommended Action(s): 1. Adopt a resolution of the City of Morgan Hill approving an amendment to the Disposition, Development and Loan Agreement with UHC Morgan Hill, L.P., a California Limited Partnership for the development of a 49-unit affordable senior rental housing project at the southeast corner of Central and McLaughlin Avenues; and 2. Adopt a resolution of the Morgan Hill Redevelopment Agency approving an amendment to DDLA with UHC Morgan Hill, L.P. for the development of a 49-unit affordable senior rental housing project.	

City Council Action

OTHER BUSINESS:

ITEM	21	Time Estimate	Page
21.	60 Minutes	<u>Review of Draft Housing Element</u>	309
		<u>Recommended Action(s):</u>	
		1. <u>Open</u> the public comment period and receive testimony regarding the draft Element; and	
		2. <u>Discuss</u> the document/provide comment and direct staff to forward the draft Element for State HCD review.	

[Item #21 Attachment Draft Housing Element](#)

[Item 21 Supplemental 01](#)

City Council and Redevelopment Agency Action

OTHER BUSINESS:

ITEM	22	Time Estimate	Page
22.	5 Minutes	<u>Selection of City Council Mayor Pro Tempore and Redevelopment Agency Vice-Chair</u>	341
		<u>Recommended Action(s):</u>	
		1. <u>Open</u> floor to nomination(s) for Mayor Pro Tempore/Vice-Chair; and	
		2. <u>Select</u> Council/Agency Member to serve as Mayor Pro Tempore/Vice-Chair per City Council Policy.	

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 SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR:

- | | |
|------------------------|---|
| a. Authority: | Government Code Section 54957.6 |
| City Negotiators: | City Manager; City Attorney |
| Employee Organization: | Morgan Hill Police Officers Association |
| | Employees Covered under Management Resolution #6250 |
| | AFSCME Local 101 |

Morgan Hill Community Service Officers Association

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 Council Services Records Coordinator 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 Council Services Records Coordinator. 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/Chair, 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 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 Council Services Records Coordinator 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 agenda, please contact the Council Services Records Coordinator 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 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, 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.