



17575 PEAK AVENUE MORGAN HILL CA 95037
95037



15600 CONCORD CIRCLE MORGAN HILL CA

Meeting Location:	Committee Member	Steve Tate
Morgan Hill Unified Board Room	Committee Member	Larry Carr
15600 Concord Circle	Committee Member	Rich Constantine (Alternate)
Morgan Hill, CA 95037	Committee Member	Bob Benevento
	Committee Member	Ron Woolf
	Committee Member	Dona Ruebusch (Alternate)
	Staff	Steve Rymer
	Staff	Steve Betando

**CITY /SCHOOL DISTRICT LIAISON COMMITTEE MEETING
FRIDAY, OCTOBER 21, 2016
MINUTES**

Trustee Bob Benevento called the meeting to order at 8:36am

Present: Mayor Steve Tate, Council Member Larry Carr, City Manager Steve Rymer, Police Captain Shane Palsgrove, Trustee Bob Benevento, Trustee Ron Woolf, Trustee Donna Ruebusch, Superintendent Steve Betando, Assistant Superintendent Kirsten Perez, Director of Facilities Anessa Espinosa, Director of Construction and Modernization Casino Fajardo, and Executive Secretary Jayne Giangreco (note taking).

PUBLIC COMMENTS

The following individuals addressed the Committee:

Armando Benavides, spoke regarding a need to build a school in the Capriano district located around the old Burnett school area. We have left all of those residents without an elementary school. He feels the superintendent has not done anything and it has been mentioned many times before.

Melissa Hartley, spoke of her concerns regarding the proposed Borello School site. Many of the residents in the area are sending their children to private school and not using the public school system. The community is very concerned with the Dieldrin that was found in the soil and the remediation that the district is recommending.

Tanya Carroll, lives in the Peet Road area and is concerned with the proposed school site. She asked if the San Sebastian area was tested for Dieldrin. Tanya explained that Dieldrin can cause neurotoxicity.

Claudia Cibrian, lives in the Terra Mia development, and spoke regarding the Peet Road property and Dieldrin that was found in the soil. Claudia expressed her concerns regarding the remediation process.

Armando Benavides, concerned about the remediation of the soil at the Borello property and the fact that the soil was remediated previously and now the toxins have returned. Armando feels the toxic level is too high for a school site. He believes we should spend some money to find out why the Dieldrin toxins came back. It's not acceptable that we don't have the answer.

Sean Gardner, lives in Terra Mia development, finds this very upsetting (toxins, remediation, building school on toxic land). Any ruminates of the Dieldrin is a danger to children. Dieldrin is known to cause

cancer, we can't have this happen. We need to find a completely different solution.

The following individual spoke after the committee recessed:

Christina Hildebrand, spoke regarding the Borello property and is extremely concerned about Dieldrin and the toxicity of the soil. Dieldrin carries in the wind. Can the District and City make a choice to move forward on land that is very toxic? Withdraw or vote no on building on that property.

Prior to the start of the agenda items, Superintendent Betando was concerned about a possible Brown Act violation since a majority of the Board of Education were present. Superintendent Betando asked Mayor Tate what would he do in this situation, he stated the City's attorneys would caution against continuing with the meeting. Steve Rymer concurs with the Superintendent's feelings. The Superintendent asked for a recess so he could contact our attorney.

The committee recessed the meeting from 8:50am – 9:21am while the Superintendent contacted District council.

After conferring with District council, Superintendent Betando stated the following:

“Government Code 54952.2, Section C.6 provides that a majority of the Board may attend an open and noticed meeting of a standing committee of that body, provided that the members of the legislative board who are not members of the standing committee, attend only as observers and do not participate in the meeting.”

1. City Items

a. Safe Routes to Schools Joint Resolution

Steve Rymer stated that he looked at the resolution that the county provided, it's very long and we are working to “personalize” it towards the City and the School District. He plans to include it on one of the November Council meeting agenda's. They will get a draft to the District today and once we've agreed upon the wording, we will then get it to the Council. The City, District and County will be meeting in November to discuss possible grant opportunities.

b. High Speed Rail

Superintendent Betando announced that the District has not been contacted recently, as an organization, by the High Speed Rail Committee. Steve Rymer stated that it is a very real project that is going to occur. The State has made a decision that the connection from the Central Valley to San Jose is their next priority. The train will come through the Central Valley and stop at a station in Gilroy and then work its way to up north to San Jose and ultimately, San Francisco. There will not be a stop in Morgan Hill. Council has been working with the State, and the State actually provided them with a grant to hire consultants to help the City understand the potential impacts, as well as to possibly influence the alignment. This is where the City has an ability, if there is an ability, to work with the State on the alignment of where it will come through Morgan Hill. There have been two alignments that have been discussed; the Monterey alignment and the 101 alignment, from Gilroy cross over the west of 101 to the east of 101 and work its way across the Aquatic and Sports Center past the Ford Store and then cross back over. Since the discussions, there is a new alignment to consider and that would be to keep it on the West side of 101 so it's not crossing over 101 a few times. Council recognizes impacts to City, and are trying as a community to influence the alignment

decision so that it's the least impact to Morgan Hill. The 101 West alignment is the one that is being discussed as the least impactful alignment. The Monterey alignment would come up next to the existing rail with two different options; an At Grade, up high with sound walls, and Via Duct with the 101 alignment, 30 – 40 feet in the air, not dividing the city with sound walls, but you would have a major structure coming through downtown. Many things still need to be understood. Several public meetings will be held. Some schools may be affected, noise, etc.

Mayor Tate stated the West of 101 alignment is impacting houses, and it's difficult to weigh the impact on a person's home vs. a Recreation Center, Aquatic center, or the Ford Store and these are subjective things that we are going to try to deal with so we could make a recommendation, and we don't know if our recommendation will even be listened to. We need to figure out what is the best solution for Morgan Hill.

Councilman Carr mentioned that it's been just off our radar screen for about 10 years now. Once the State said the connection through the Central Valley to San Jose is their next priority, things started moving very quickly. Residents are concerned of losing their homes or losing the value of their homes. We have to move forward knowing that High Speed Rail is going to happen. For the concern of this meeting, we need to see how this is going to impact our school district, e.g., transportation, students riding bikes to school, etc. The City will start communicating and working with the State level of decision makers.

Superintendent Betando asked if there is active contact on the High Speed Rail Committee or are they designating that contact responsibility to you (City) for each individual parcel that is connected to or within those three options? Ultimately, High Speed Rail should be contacting the District. Steve Rymer added that there are laws that dictate where the rail can or cannot run, like the Aquatic Center as an example, cannot be impacted. He's not sure if there is a school category. The Superintendent added it is also a great concern on future school sites.

Trustee Benevento stated it isn't the City that makes the ultimate decision, it's the High Speed Rail. The City doesn't have control over this.

c. Specific Plan for Unincorporated areas North of Diana Ave., East of Freeway

Steve Rymer stated that this is an item they wanted to keep on the agenda until they find a replacement for Andrew Crabtree. This is an approximate 400 acre area around Live Oak. This really hasn't been done in years, Paradise was the last time we've worked on it. We'd like to keep it on future agenda's so we can keep touch on where we are with the plan.

d. Police Update

Captain Palsgrove stated that the schools are doing great and the School Resource Officer (SRO) is keeping busy. We've partnered with the Fire Department at the schools to provide a "safe roads" talk regarding some of the accidents that have been occurring across town. The Parent Project is underway. The Police Department is working with the schools on a presentation on Teen Driver Safety. And, our patrol officers are visiting the schools that they've adopted across town to make good contacts with staff, parents, and the students.

2. District Items

a. MHUSD Revenue Enhancements Options

Superintendent Betando stated the District has been exploring different ways to generate revenue to meet the purpose of developing some programs and continuing on our growth towards our vision. A couple of things that were discussed is our vision to develop programs that fit the job needs in this area, which is our career tech education. Programs that actually develop students toward being qualified, skilled, or certificated for particular jobs that are actually in this area. This is just one of the reasons we are looking for different ways to generate revenue.

Kirsten Perez added, school districts don't have a lot of options on how they could generate different revenues. One of the options used in Santa Clara Valley is the parcel tax that requires a 2/3 majority vote, which is hard for districts to overcome. It has been very successful in Northern Santa Clara County. A less common approach is a joint city / school sales tax measure. One of the benefits is a "non-designated usage" it's a simple majority 50% plus one vote in order to pass a sales tax vs. the 2/3 vote for the parcel tax. The District cannot levy a sales tax so it would have to be in conjunction with the City. This is something the District would be interested in pursuing.

Steve Rymer added that last year the Council was considering a sales tax increase, but one thing that we need to bear in mind is the cap that the State set. Our cap in Santa Clara County is 9.5%, currently we are at 8.75%. If Measure B passes (the County Wide Transportation) is a sales tax, which is .50 %. So, if the cap doesn't change there will be a .25% of the cap remaining. We need to remember that many of the Counties in the State are reaching their threshold.

Councilman Carr stated that the City of Gilroy and Gilroy School District share much of the same boundaries, which isn't the case for Morgan Hill. Superintendent Betando said we would need to structure it so that we could apply it to those schools that are within the entire school district boundary. We wouldn't want to say that the tax is only going towards the schools that are within the City limits, it would be applied to all.

The District's next step is to present to the Board on November 1st, several different options related to parcel tax and potentially the city schools joint sales tax and receive direction from our Board.

b. Peet Road School Site Development

Superintendent Betando stated that the District is currently in escrow for the property and that the District has not taken over the property. We did not have the property under our control during the previous testing or the proposed remediation. When we looked at conveying the property to the District's ownership, as it was considered a gift to the District, we knew that we needed to do an assessment of the property again and was given direction by the Board to go ahead and do soil sample testing. There is a history timeline related to that testing and where we are now in the process on our website.

Kirsten Perez added that the District has completed the PEA report and submitted a draft of a removal action work plan, which is a decision document that looks at a variety

of remediation methodologies. Then ultimately, select one remediation methodology and the large report discusses how the remediation would be carried out. Including protocols related to dust control and some of the safety concerns brought up by community members. The Department of Toxic Substances Control (DTSC), who oversees the project, then communicates questions back to staff – a request for additional information to be added to the removal action work plan. We have been communicating with DTSC related to those items they had questions on. We are anticipating the removal action work plan would be finalized sometime around the end of November. The comment period is 30 days, but with the holidays around that same time, more than likely we will extend the comment period. We will also be holding a community forum sometime in January 2017, and this will be an opportunity for staff from DTSC to be present and answer questions from the community on the removal action work plan. The District will also hold a Public Hearing sometime in January at a Board meeting regarding the RAW (Removal Action Workplan) report. After all comments are received, DTSC will give a final report to the District and authorization to proceed with the remediation. Since this will be during the winter season, we will probably wait until May or June to begin remediation activities. The remediation should take approximately 12 weeks to be completed. Once we get the final disclosure report (August – September) the District could then start building.

Superintendent Betando added that the portion of the property that was adjacent to the 9 acres of the property, was part of the original assessment (12+acres) was also assessed. The reason that we didn't just assess the 9 acres is that we didn't know what part would include the District's 9 acres. The land owner and developer received agreements from the City to develop the land (~3 acres), so the land that is currently being developed is part of the same property that we did the assessment on. The soil was tested, but the developer has the responsibility depending on what their assessment has proven and is under the obligation to have it approved by DTSC as well. There are several remediation projects that have been going on in the area for over the last 10 years or so. The bioremediation which happened in the past on the Peet Road site and those properties where houses will be built to the East; the parcel around St Marks Drive that had bioremediation in 2006; and San Sebastian Estates which was completed in March 2016 which was an "off haul" project. These are the only ones I'm aware of in the general vicinity, according to Kirsten Perez. We couldn't find if some of the area's had remediation at all, this is all from the website Envirostor (<http://www.envirostor.dtsc.ca.gov/public/>) which should show the history of all of the areas of remediation for the entire city.

- c. New Britton School Facilities Development
A PowerPoint presentation by Casino Fajardo explained the Britton Master Plan with the committee. Construction should begin summer of 2017 and completing in 2018.

3. Joint Items

- a. Options for Corp Yard JPA
This item was carried over from the last committee meeting. At the last meeting it was discussed whether to dissolve the JPA. Before dissolving, we decided to look at some of the other options for that JPA.
- b. Joint meeting for 1st Quarter 2017

The committee would like to coordinate this meeting to happen after the RAW report has been received (end of Nov/Dec). A good time to meeting would be at the end of the public review – mid February.

4. Approve minutes of City/School Liaison meeting of August 26, 2016

On a motion by Mayor Tate and seconded by Ron Woolf approving the August 26, 2016 meeting minutes. The motion passed unanimously.

5. Topics for next meeting

Revenue enhancement options

Nordstrom Traffic Study

JPA Oversight

ADJOURNMENT

The meeting was adjourned at 10:36am

Future Meetings: (all meetings start at 8:30 a.m.)

Friday, December 16, 2016 - City

Thursday, February 9, 2017 - District

Friday, April 21, 2017 - City

Thursday, June 15, 2017 - District