



**Special/Regular Meeting Agenda**  
**City Council**

*Rich Constantine - Mayor*  
*Gino Borgioli - Mayor Pro Tem*  
*John McKay - Council Member*  
*Yvonne Martinez Beltran - Council Member*  
*Rene Spring - Council Member*

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**Wednesday, September 28, 2022 6:00 PM**

**Virtual Meeting**  
**Link to join the meeting can be found below**

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**VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT**

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice. City Council meetings will be live-streamed on Channel 17, on the City's website, and on the City's Facebook page. Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at: <https://bit.ly/MHCityCouncilMeeting> or by calling (669) 900-9128, then enter the webinar id: 873 3200 8380#.

Public comment may be provided in the following ways:

- Join the virtual City Council meeting via the link above, when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes (YOU MUST BE RUNNING THE MOST CURRENT VERSION OF ZOOM TO BE UNMUTED)
- Join the virtual meeting by calling the number above, dial \*9 to raise your hand, and be called upon to speak for up to 3 minutes
- Send public comments in writing to the City Clerk at [ccpubliccomment@morganhill.ca.gov](mailto:ccpubliccomment@morganhill.ca.gov)

\* Please note that comments made on Facebook are not considered public comment.

**SPECIAL/REGULAR MEETING**

A special meeting of the City Council is called at 6:00 P.M. for the purpose of conducting a closed session.

**CALL TO ORDER**

**ROLL CALL ATTENDANCE**

**DECLARATION OF POSTING AGENDA**

**SPECIAL MEETING**

6:00 P.M. Closed Session

**CLOSED SESSION**

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**THREAT TO PUBLIC SERVICES OR FACILITIES (§ 54957)**

Consultation with: Morgan Hill Police Department, Chief of Police

**REGULAR MEETING**

7:00 P.M.

**RECOGNITIONS**

Recognizing the Alzheimer's Association Walk to End Alzheimer's

**PROCLAMATIONS**

Proclaiming September 10, 2022 as Suicide Prevention Day

Proclaiming September 30, 2022 as Lewy Body Dementia Awareness Day

Proclaiming the week of September 17-23, 2022 as Constitution Week

Proclaiming the month of September 2022 as Childhood Cancer Awareness Month

Proclaiming the month of September 2022 as Latinx Heritage Month

**CITY COUNCIL REPORTS**

Council Member Spring

## **CITY MANAGER'S REPORT**

## **CITY ATTORNEY'S REPORT**

## **OTHER REPORTS**

### **PUBLIC COMMENT**

This opportunity for public comment is for items that are not on the agenda. If you would like to make comments on an item that is on the agenda, please wait until we get to that item to offer your comments. Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. Public comment is intended for comments. Questions posed during public comment are not generally answered. If you have questions, please send them to the City Clerk at [ccpubliccomment@morganhill.ca.gov](mailto:ccpubliccomment@morganhill.ca.gov) to receive a response. (See additional noticing at the end of this agenda)

## **ADOPTION OF AGENDA**

### **CONSENT CALENDAR**

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. **ADOPT RESOLUTION DETERMINING THAT CONDUCTION OF IN-PERSON MEETINGS WOULD PRESENT A PUBLIC HEALTH RISK AND CONTINUING TELECONFERENCE MEETINGS**

Recommendation:

Adopt resolution to continue holding City Council and commission meetings by teleconference.

2. **ACCEPTANCE OF EAST FIFTH STREET SEWER MAIN PROJECT IN THE AMOUNT OF \$1,334,087**

Recommendation:

1. Accept as complete the East Fifth Street Sewer Main Project;

2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

3. **ADOPT RESOLUTION OF INTENTION TO FORM THE MORGAN HILL PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, AND AUTHORIZING THE CITY MANAGER TO SIGN BALLOT, AND OTHER DOCUMENTS FOR ALL CITY-OWNED PROPERTIES IN SUPPORT OF THE FORMATION OF THE MORGAN HILL PROPERTY AND BUSINESS IMPROVEMENT DISTRICT**

Recommendation:

1. Adopt Resolution of Intention to Form the Morgan Hill Property and Business Improvement District; and
2. Authorize the City Manager to sign the ballot and other related documents for all City-owned properties in support of the formation of the Morgan Hill Property and Business Improvement District.

4. **APPROVE PARCEL MAP AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT AND SUBSEQUENT DEVELOPMENT REIMBURSEMENT AGREEMENT FOR THE REDWOOD TECH AT 101 PROJECT (NORTHERN INTERSECTION OF HALF ROAD AND CONDIT ROAD WITH ASSESSOR PARCEL NUMBERS 728-30-006 AND 728-30-009)**

Recommendation:

1. Approve the Parcel Map for the Redwood Tech at 101 Project;
2. Approve a Subdivision Improvements Agreement with TC Morgan Hill Venture, LLC;
3. Approve a Subsequent Development Reimbursement Agreement with TC Morgan Hill Venture, LLC; and
4. Authorize the City Manager to execute the Subdivision Improvements Agreement and Subsequent Development Reimbursement Agreement.

5. **APPROVE CONSULTANT SERVICES AGREEMENT WITH JAYSON ARCHITECTURE FOR THE CONCEPTUAL DESIGN PLANNING OF THE VILLA MIRA MONTE EXPANSION**

Recommendation:

Authorize the City Manager to execute a professional consultant agreement with Jayson Architecture for \$300,000 for the conceptual design of the Villa Mira Monte Expansion.

6. **APPROVE PURCHASE OF REPLACEMENT PUMPS FOR LIFT STATION A**

Recommendation:

Approve and authorize the City Manager to execute a purchase order to Shape Inc. in the amount of \$64,166 for Lift A Station replacement pumps.

**7. APPROVE COMMISSION WORK PLANS**

Recommendation:

1. Approve the proposed Parks and Recreation Commission FY 2022-23 Work Plan; and
2. Approve the proposed Library, Culture and Arts Commission FY 2022-23 Work Plan.

**8. APPROVE THE AUGUST 3, 2022 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve minutes.

**9. APPROVE THE AUGUST 17, 2022 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve minutes.

**10. AUTHORIZE PURCHASE OF THREE POLICE VEHICLES TO INCLUDE BUILD-OUT OF COMMUNICATION AND SAFETY EQUIPMENT**

Recommendation:

1. Authorize the purchase and build-out of two unmarked police vehicles: 2023 Toyota Tacoma and 2023 Toyota Sienna, for a total amount not to exceed \$116,409, which includes a 10% contingency of \$10,583 from Priority 1 Public Safety Equipment;
2. Authorize the purchase and build-out of one Ford Explorer for use as Municipal Services Officer Patrol Vehicle for an amount not to exceed \$98,435, which includes a 10% contingency of \$8,949 from Priority 1 Public Safety Equipment;
3. Authorize the purchase of police radio equipment from Motorola for an amount not to exceed \$25,611; and
4. Authorize the repurposing of two vehicles as pool cars: 2014 Ford Fusion (VIN ending in 007) and 2014 Honda Accord (VIN ending in 850).

**11. AWARD TREE MAINTENANCE SERVICE AGREEMENT**

Recommendation:

1. Award a Maintenance Service Agreement to West Coast Arborists, Inc. for up to \$652,000 (\$326,000 annually for a two-year period) subject to future annual budget appropriations by the City Council; and

2. Authorize the City Manager to execute and administer the said agreement.

**12. RELEASING UNCLAIMED CREDITS LESS THAN \$15**

Recommendation:

Adopt resolution to release unclaimed credits less than \$15.

**PUBLIC HEARINGS**

**13. INTRODUCE AN ORDINANCE TO AMEND THE TEXT OF TITLE 14 RELATED TO INCLUSIONARY HOUSING AND TITLE 18 RELATED TO THE DENSITY BONUS LAW**

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance; and
3. Introduce the Ordinance as recommended by staff and the Planning Commission.

**14. CONDUCT TAX AND EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) HEARING APPROVING ISSUANCE OF BONDS FOR MORGAN HILL SENIOR APARTMENTS LOCATED DIRECTLY SOUTH OF SAN PEDRO AVENUE, EAST OF MONTEREY ROAD AND WEST OF CHURCH STREET WITHIN THE CITY OF MORGAN HILL**

Recommendation:

1. Open/close public hearing consistent with the requirements of the Federal Tax and Equity Fiscal Responsibility Act ("TEFRA") and Section 147 (f) of the Internal Revenue Code of 1986, as amended (the "Code"); and
2. Adopt resolution approving the issuance of bonds by the California Municipal Finance Authority (CMFA), for the acquisition, construction, improvement and equipping of a 82-unit multifamily rental housing project located on a 1.89-acre parcel situated directly south of San Pedro Avenue, east of Monterey Road and west of Church Street, in the City of Morgan Hill, California (the "City").

**OTHER BUSINESS**

**15. RECEIVE MONTHLY BUDGET UPDATE AND AUGUST 2022 FINANCIAL AND INVESTMENT REPORTS**

Recommendation:

Accept and file report.

**16. COMMUNITY FUNDING POLICY REVIEW AND UPDATE**

Recommendation:

Review policy and direct staff to make any updates to the Community Funding Policy.

**FUTURE COUNCIL 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.

**ADJOURNMENT**

## NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

## PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. 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 at, or prior to the Public Hearing on these matters.

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

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email [cityclerk@morganhill.ca.gov](mailto:cityclerk@morganhill.ca.gov).

## AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email [cityclerk@morganhill.ca.gov](mailto:cityclerk@morganhill.ca.gov). Requests must be made as early as possible and at least two-full business days before the start of the meeting.



# SUSTAINABLE MORGAN HILL



## Vision

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community.



## Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.



## City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining and Enhancing Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives



## 2022-2023 Strategic Priorities

- Fiscal Sustainability
- Affordable Housing and Homelessness
- Community Outreach, Engagement, and Messaging
- Economic Development
- Transportation



These strategic priorities were established prior to the COVID-19 pandemic. In light of recent events, we recognize that all of these goals and priorities will be viewed through the lens of the global pandemic, and we will continue to have equity, public health, and financial responsibility in mind.

September 28, 2022