



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

Wednesday, March 2, 2022 5:30 PM

Virtual Meeting
Link to join the meeting can be found below

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
- Public comment is intended for comments. Questions posed during public comment are not generally answered. If you have questions, send them to the City Clerk at ccpubliccomment@morganhill.ca.gov to receive a response.
- Send public comments in writing to the City Clerk at 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 5:30 p.m. for the purpose of conducting Planning Commission Interviews.

SPECIAL MEETING

5:30 p.m. Planning Commission Interviews

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

OTHER BUSINESS

1. INTERVIEW CANDIDATES TO FILL ONE (1) SEAT ON THE PLANNING COMMISSION

Recommendation:

1. Discuss the characteristics/traits that a successful applicant(s) would possess;
2. Conduct Interviews;
3. Council Members identify top applicant(s) and provide recommendation to the Mayor; and
4. Discuss and/or appoint applicant(s).

Estimated Time: 90 Minutes

REGULAR MEETING

PROCLAMATIONS

Proclaiming the month of March 2022 as Youth Arts 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. (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

2. RECEIVE UPDATE REGARDING PAVEMENT REHABILITATION PLANNING

Recommendation:

Receive update on pavement rehabilitation planning.

3. ACCEPT BRITTON MIDDLE SCHOOL PEDESTRIAN ENHANCEMENT PROJECT

Recommendation:

1. Accept as complete the Britton Middle School Pedestrian Enhancement Project;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County

4. **AWARD 2022 SIDEWALK REPAIR PROJECT TO ASG BUILDERS, INC.**

Recommendation:

1. Adopt a resolution amending the Fiscal Year 2021-22 adopted budget to appropriate an additional \$13,407 from Fund 346: Public Facilities for the 2022 Sidewalk Repair Project;
2. Award a contract to ASG Builders, Inc. in the amount of \$67,860; and authorize the expenditure of 40% construction contingency funds not to exceed \$27,144 for a total authorization of \$95,004; and
3. Authorize the City Manager to execute and administer that certain construction contract with ASG Builders, Inc.

5. **AWARD AGREEMENT FOR COMPLETION OF THE SEWER PIPE INSPECTION AND CONDITION ASSESSMENT**

Recommendation:

Approve and authorize the City Manager to execute an agreement with Water Works Engineers, LLC. in the amount of \$679,852 inclusive of a 10% contingency to complete the sewer pipeline inspection and condition assessment project.

6. **ADOPT RESOLUTION ADDING SECTION 20516 COST SHARE TO THE MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION NO. 21-050**

Recommendation:

Adopt resolution adding Section 20516 Cost Share to the Management, Professional, and Confidential Employees Resolution No. 21-050.

7. **ADOPT RESOLUTION AMENDING THE CITY'S SOLID WASTE BUDGET AND APPROVE AN AMENDMENT TO THE FISCAL AGENT SERVICE AGREEMENT WITH THE COUNTY OF SANTA CLARA**

Recommendation:

1. Adopt a Resolution appropriating an additional \$156,658 to the City's Countywide Solid Waste Program (Fund 246);
2. Accept the first amendment to the Fiscal Agent Service Agreement with the County of Santa Clara to increase the amount of the contract by \$119,170 for a total contract amount of \$528,136;
3. Authorize the City Manager to execute and administer the amendment with the County of Santa Clara; and
4. Authorize the City Manager to extend the term of the Fiscal Agent Service

Agreement with the County of Santa Clara for up to four additional one-year terms.

8. **ADOPT RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATIONS FOR THE ANNUAL RECYCLING PAYMENT PROGRAM AND A ONE-TIME REGIONAL GRANT TO SUPPORT SB 1383 PROGRAMS**

Recommendation:

Adopt a resolution authorizing the City's application for recycling program funding through the annual CalRecycle payment program and for a one-time regional grant application to fund activities related to SB 1383 compliance.

9. **APPROVE FINAL MAP FOR SAN SEBASTIAN PHASE 3A - TRACT NO. 10530 AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT**

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with Toll CA XX, L.P.; and
3. Authorize the recordation of the Final Map and Subdivision Improvements Agreement.

10. **APPROVE AN IMPROVEMENT AGREEMENT WITH MORGAN HILL MULTIFAMILY LLC FOR THE BUTTERFIELD VILLAGE PROJECT**

Recommendation:

1. Approve an Improvement Agreement with Morgan Hill Multifamily LLC;
2. Authorize the City Manager to execute the Improvement Agreement; and
3. Authorize the recordation of the Improvement Agreement.

11. **APPROVE THE CONSULTANT AGREEMENT WITH CIVITAS ADVISORS IN THE AMOUNT NOT TO EXCEED \$64,500 FOR THE FORMATION OF MORGAN HILL DOWNTOWN PROPERTY BUSINESS IMPROVEMENT DISTRICT (MHDPBID) AND DIRECT THE CITY MANAGER TO SIGN THE PETITION IN SUPPORT OF THE DOWNTOWN PBID FORMATION**

Recommendation:

1. Approve and authorize the City Manager to execute and administer a consulting agreement with Civitas Advisors not to exceed \$64,500 to form a Morgan Hill Downtown Property Business Improvement District (MHDPBID); and
2. Direct the City Manager to sign the MHDPBID petition indicating the City's

support of the PBID formation.

12. APPROVE THE JANUARY 28 & 29, 2022 GOAL SETTING MINUTES AND FEBRUARY 16, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the January 28 & 29, 2022 Goal Setting Minutes and February 16, 2022 City Council Meeting Minutes.

OTHER BUSINESS

13. MONTHLY BUDGET UPDATE AND JANUARY 2022 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

Estimated Time: 10 Minutes

14. ADOPT RESOLUTION CERTIFYING THE INITIATIVE PETITION TITLED: CITIZENS' INITIATIVE AMENDING THE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF ANY FUTURE MONTEREY ROAD LANE REDUCTION AND DIRECT STAFF TO PREPARE AN IMPACT REPORT

Recommendation:

1. Adopt resolution accepting the City Clerk's Certificate of Sufficiency for the Initiative Petition Titled: Citizens' initiative amending the General Plan to require voter approval of any future Monterey Road lane reduction; and
2. Direct staff to prepare an impact report under Elections Code section 9212 within 30 days and no later than April 1, 2022, for City Council consideration at the April 6, 2022 City Council meeting.

Estimated Time: 15 Minutes

PUBLIC HEARING (TO BE HEARD AT 8:00 P.M.)

15. REVIEW AND ADOPT NEW CITY COUNCIL DISTRICT MAP

Recommendation:

1. Review and discuss draft maps 103, 104, 105, 106, 108, and NDC Green, including what about the maps work and does not work and what communities of interest would be protected or potentially divided; and
2. Adopt resolution adopting a City Council District map.

Estimated Time: 60 Minutes

PUBLIC HEARINGS

16. ADOPT INDUSTRIAL PRESERVATION AND OPTIMIZATION POLICY

Recommendation:

Adopt an Industrial Land Preservation and Optimization Policy

Estimated Time: 30 Minutes

17. ADOPT ZONING CODE AMENDMENT TO SECTION 18.26.020 (LAND USE REGULATIONS) OF CHAPTER 18.26 (INDUSTRIAL ZONING DISTRICTS) OF TITLE 18 (ZONING) TO MODIFY THE LAND USES PERMITTED IN THE INDUSTRIAL ZONING DISTRICTS

Recommendation:

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

Estimated Time: 30 Minutes

18. ADOPTION AND RATIFICATION OF ORDINANCE NO. 2320 PREVIOUSLY ADOPTED AS AN URGENCY ORDINANCE

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance;
3. Introduce Ordinance; and
4. Adopt resolution placing Ordinance on the November 2022 ballot.

Estimated Time: 15 Minutes

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.

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. 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, equitable, 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 Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Equity, Diversity, and Inclusiveness
- Advancing Regional Initiatives
- Advocating for Local Control

2020-2021 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.

