



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, April 20, 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
- 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 a workshop and a closed session.

SPECIAL MEETING

5:30 p.m. Citywide Transportation Planning Workshop

6:00 p.m. Closed Session

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

CITYWIDE TRANSPORTATION PLANNING WORKSHOP

City staff will provide the City Council and Community with an update on the City's programs related to traffic congestion, traffic safety, and transportation management. The Council will discuss future transportation needs and the development of a transportation master plan for the City.

Caltrans will have a representative to provide an update on City of Morgan Hill Transportation.

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

Conference with Legal Counsel – Existing Litigation
(Government Code § 54956.9) Tate et al., v. City of Morgan Hill, et al.
Santa Clara County Superior Court, Case No. 22CV396857

REGULAR MEETING

7:00 p.m.

RECOGNITIONS

Outgoing Commissioners - Ronald Locicero and Neil Berman

PROCLAMATIONS

Proclaiming April 22, 2022 as Earth Day

Proclaiming April, 29, 2022 as National Arbor Day

PRESENTATIONS

Youth Action Council (YAC) - Asset #38 Self Esteem

CITY COUNCIL REPORTS

Council Member Borgioli

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)

Public Comment 1

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. **ADOPT RESOLUTION APPROVING FY2022-23 LIST OF STREET REHABILITATION PROJECTS FUNDED BY SENATE BILL (SB) 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT**

Recommendation:

Adopt resolution approving a list of street rehabilitation projects funded by SB 1, The Road Repair and Accountability Act of 2017.

3. **ADOPT ORDINANCE 2331, NEW SERIES, AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING POLICE DEPARTMENT POLICIES 708 (ARMORED RESCUE VEHICLE) AND 709 (MILITARY EQUIPMENT)**

Recommendation:

Waive the reading, adopt Ordinance No. 2331, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

4. **ADOPT RESOLUTION RESCINDING RESOLUTION 21-016: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, SUBMITTING TO THE VOTERS OF THE CITY AN INITIATIVE ORDINANCE CHANGING ZONING REGULATIONS THROUGHOUT THE CITY OF MORGAN HILL TO PROHIBIT CERTAIN NEW STORAGE AND DISTRIBUTION USES IN ALL AREAS OF THE CITY AND AMENDING THE REVIEW PROCESS FOR LARGE-SCALE DEVELOPMENT PROJECTS**

Recommendation:

Adopt resolution rescinding Resolution 21-016: A resolution of the City Council of the City of Morgan Hill, California, submitting to the voters of the City an initiative ordinance changing zoning regulations throughout the City of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development projects.

5. **ADOPT RESOLUTION AUTHORIZING AN APPLICATION FOR THE CALIFORNIA CLIMATE INVESTMENTS-DEPARTMENT OF FORESTRY AND FIRE PROTECTION'S (CAL FIRE) FIRE PREVENTION GRANT PROGRAM.**

Recommendation:

Adopt resolution authorizing an application for the California Climate Investments-Department of Forestry and Fire Protection's (CAL FIRE) Fire Prevention Grant Program for the purchase of a radio controlled slope mower.

6. **APPROVE AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY OF MORGAN HILL GRANTING PROGRAM FUNDS FOR THE 2021 STATE HOMELAND SECURITY GRANT PROGRAM**

Recommendation:

Adopt a Resolution to:

1. Accept grant funds from the Santa Clara County Office of Emergency Management via the Department of Homeland Security up to the amount of \$17,558 for the purchase of a Long-Range Acoustic Device (LRAD);
2. Amend the adopted Fiscal Year (FY) 2021-2022 budget to recognize the Santa Clara County Office of Emergency Services/ Department of Homeland Security funds as revenue, and appropriate \$17,558 in the Police Department budget for the capital expenditures; and
3. Authorize the City Manager to execute the Agreement and approve the purchase up to the amount of \$17,558 for an LRAD system from Genasys.

7. **APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY FOR THE 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT**

Recommendation:

1. Authorize the City Manager to execute the Memorandum of Understanding with the County of Santa Clara for the 2021 Emergency Management Performance Grant (EMPG); and
2. Recognize grant revenue in an amount not to exceed \$19,000 for the purchase of Emergency Operations Center (EOC) Technology.

8. **APPROVE FIRST AMENDMENT TO SOLID WASTE DISPOSAL CONTRACT**

Recommendation:

Authorize the City Manager to execute the First Amendment to the Solid Waste Disposal Contract.

9. **APPROVE FIRST AMENDMENT TO THE AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM**

Recommendation:

Authorize the City Manager to execute the First Amendment to the Agreement for Countywide Household Hazardous Waste Collection Program.

10. **APPROVE SECOND AMENDMENT TO GILROY STAFF SERVICES AGREEMENT**

Recommendation:

Authorize the City Manager to execute the Second Amendment to the Gilroy

Staff Services Agreement for Stormwater Permitting Requirements and Environmental Management Services.

11. APPROVE FINAL MAP FOR APPLE TREE - TRACT NO. 10523 AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with 18755 OLD MONTEREY LLC, a California Limited Liability Company; and
3. Authorize the recordation of the Final Map and Subdivision Improvements Agreement.

12. APPROVE FOURTH AMENDMENT TO AGREEMENT WITH INNOVATIVE CLAIMS SOLUTIONS, INC.

Recommendation:

Authorize the City Manager to execute and administer a Fourth Amendment to Agreement with Innovative Claims Solutions, Inc. to provide third party claims administration for workers' compensation extending the agreement for one additional year of service at annual amount of \$34,380, for a new total contract amount of \$240,980 over 7 years.

13. AWARD EAST DUNNE AVENUE REHABILITATION PROJECT AND APPROVE CONSULTANT AGREEMENT WITH CSG CONSULTANTS, INC. FOR FEDERAL-AID PROJECT SUPPORT AND CONSTRUCTION INSPECTION SERVICES

Recommendation:

1. Approve the East Dunne Avenue Rehabilitation Project plans and specifications;
2. Award contract to A. Teichert & Son, Inc. DBA Teichert Construction for the East Dunne Avenue Rehabilitation Project in the amount of \$2,153,195;
3. Authorize the expenditure of construction contingency funds not to exceed \$430,639;
4. Authorize the City Manager to execute and administer the construction contract with A. Teichert & Son, Inc. DBA Teichert Construction; and
5. Approve and authorize the City Manager to execute and administer a consultant agreement with CSG Consultants, Inc. in the amount of \$175,000 for Federal-Aid project support and construction inspections.

PUBLIC HEARINGS

14. CONDUCT TAX AND EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) HEARING APPROVING ISSUANCE OF BONDS FOR VILLAGE AT MADRONE AFFORDABLE HOUSING APARTMENTS AT 18960 MONTEREY 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 multifamily rental housing project located at 18960 Monterey Street, Morgan Hill, California (the "Project").

Estimated Time: 15 Minutes

OTHER BUSINESS

15. APPROVE DONATION OF MONUMENT SIGNS FROM LEADERSHIP MORGAN HILL

Recommendation:

1. Review new City of Morgan Hill monument signs proposed by Leadership Morgan Hill;
2. Approve installation of monument signs at proposed locations;
3. Approve the design of the monument signs; and
4. Authorize the Public Services Director to execute agreements as needed with Leadership Morgan Hill and associated contractors to complete the installation.

Estimated Time: 30 Minutes

16. PROVIDE POLICY DIRECTION FOR FY 22-23 COMMUNITY FUNDING REQUESTS

Recommendation:

Provide policy direction regarding requests for community funding.

Estimated Time: 30 minutes

17. INTRODUCE AN ORDINANCE ESTABLISHING ENFORCEMENT EFFORTS FOR SIDESHOW PARTICIPANTS AND SPECTATORS

Recommendation:

1. Waive first and second reading of the ordinance; and

2. Introduce an ordinance establishing a process to prohibit spectators from participating in illegal speed contests, exhibitions of speed or reckless driving exhibitions.

Estimated Time: 5 Minutes

18. RECEIVE MONTHLY BUDGET UPDATE; MARCH 2022 FINANCIAL AND INVESTMENT REPORTS; AND CITY MANAGER AUTHORITY REPORT

Recommendation:

Accept and file report.

Estimated Time: 10 minutes

19. ADOPT THE COMMUNICATIONS, OUTREACH, AND ENGAGEMENT PLAN AND APPROVE THE RECOMMENDED STAFFING CHANGES

Recommendation:

1. Adopt the Communications, Outreach, and Engagement Plan; and
2. Approve the classifications for City Clerk/Public Information Officer (PIO); Communications and Engagement Coordinator; and updated Multimedia Coordinator.

Estimated Time: 30 Minutes

PUBLIC HEARING

20. INTRODUCE ORDINANCE UPDATING WATER WASTE ORDINANCE, ADOPT WATER SHORTAGE RESOLUTION, AND ACCEPT REPORT ON WATER OFFSET PROGRAM

Recommendation:

1. Waive the first and second reading of the ordinance;
2. Introduce the ordinance updating the City's water waste provisions to reflect the actions and stages identified in the City's Urban Water Management Plan (UWMP);
3. Adopt resolution declaring a Level 4 Water Supply Shortage; and
4. Accept report on the development of a "water offset" program for new development.

Estimated Time: 30 Minutes

21. ADOPT RESOLUTION OF INTENTION AND INTRODUCTION OF ORDINANCE TO AMEND THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) AND THE CITY OF MORGAN HILL TO

IMPLEMENT THE EMPLOYEE SHARE OF EMPLOYER CONTRIBUTION IN ACCORDANCE WITH SECTION 20516 OF THE CALIFORNIA GOVERNMENT CODE

Recommendation:

1. Adopt Resolution of Intention of the City Council of the City of Morgan Hill stating its intent to amend the contract between the California Public Employees' Retirement System (CalPERS) and the City of Morgan Hill in order to implement the pension cost share provision in accordance with California Government Code section 20516;
2. Open/close the public hearing;
3. Waive the first and second reading of the ordinance amending the City's contract with CalPERS; and
4. Introduce the ordinance.

Estimated Time: 5 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, 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.

April 20, 2022