

AMENDED AGENDA



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, May 18, 2022 6:00 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 6:00 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

6:00 p.m. Closed Session

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

Revised closed session language:

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.

PROCLAMATIONS

Proclaiming the week of May 15-21, 2022 as Public Works Week

Proclaiming the week of May 15-21, 2022 as Emergency Medical Services Week

Proclaiming Saturday, May 21, 2022 as Kids to Park Day

Proclaiming the Month of May 2022 as Older Americans Month

Proclaiming the Month of May 2022 as Asian American Pacific Islander Heritage Month

PRESENTATIONS

CITY COUNCIL REPORTS

Council Member McKay

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 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. ACCEPT RESIGNATION OF PLANNING COMMISSIONER LAURA GONZALEZ-ESCOTO

Recommendation:

1. Accept Laura Gonzalez-Escoto's resignation from the Planning Commission effective immediately; and

2. Direct the City Clerk to continue recruitment efforts to fill an unexpired term ending June 2025, on the Planning Commission.

2. **ACCEPT BUTTERFIELD BOULEVARD LINEAR PARK EXTENSION PROJECT**

Recommendation:

1. Accept as complete the Butterfield Boulevard Linear Park Extension 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 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.

4. **ADOPT RESOLUTION DESIGNATING THE CITY'S ENFORCEMENT AGENCY FOR REGULATING SINGLE-USE FOODWARE AS REQUIRED BY ASSEMBLY BILL 1276.**

Recommendation:

Adopt resolution designating the City's enforcement agency for regulating single-use foodware as required by Assembly Bill 1276.

5. **ADOPT ORDINANCE 2334, NEW SERIES, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF MORGAN HILL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Recommendation:

Waive the reading, adopt Ordinance No. 2334, 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.

6. **ADOPT RESOLUTION GRANTING DELEGATION OF AUTHORITY TO FIRE CHIEF**

Recommendation:

Adopt resolution granting delegation of authority to Fire Chief George Huang to sign and submit State Surplus Property Program Eligibility Application.

7. **AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AXON IN THE AMOUNT OF \$778,400 FOR THE POLICE COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM UPGRADE**

Recommendation:

Authorize the City Manager to execute and amend, when necessary, a 10-year agreement with Axon for a Computer Aided Dispatch and Records Management System subject to approval as to form by the City Attorney.

8. **APPROVE PARCEL MAP FOR SABINI COURT SUBDIVISION (APN: 773-32-013) AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT**

Recommendation:

1. Approve the Parcel Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with Strolata Properties, LLC; and
3. Authorize the recordation of the Parcel Map and Subdivision Improvements Agreement.

9. **APPROVE AN IMPROVEMENT AGREEMENT WITH THOMPSON & HARVEY BAY AREA, LLC (AU ENERGY LLC) FOR THE RAILROAD-GOYAL PROJECT (UP2019-0005)**

Recommendation:

1. Approve an Improvement Agreement with Thompson & Harvey Bay Area, LLC;
2. Authorize the City Manager to execute the Improvement Agreement; and
3. Authorize the recordation of the Improvement Agreement.

10. **APPROVE THE MAY 4, 2022 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the May 4, 2022 City Council Meeting Minutes.

PUBLIC HEARINGS

11. **ADOPT CITY COUNCIL DISTRICT MAP "NDC GREEN" OR AN ALTERNATIVE LEGALLY ACCEPTABLE MAP**

Recommendation:

1. Review and adopt an alternative redistricting map based upon the court order from May 9, 2022, directing the City Council to adopt a new legally acceptable district map; and
2. Approve an amended resolution identifying the alternative City Council District map.

Estimated Time: 45 Minutes

OTHER BUSINESS

12. REVIEW CITY MANAGER'S RECOMMENDED FISCAL YEARS (FY) 2022-23

AND 2023-2024 OPERATING BUDGET AND FY 2022-23 THROUGH 2027-28 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET

Recommendation:

Review and discuss the Recommended Budget, including community funding requests and the Impact Fee Freeze Program.

Estimated Time: 120 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.

May 18, 2022