



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, August 3, 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 Planning Commission interviews.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

SPECIAL MEETING

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. INTERVIEWS TO FILL ONE (1) VACANCY ON THE PLANNING COMMISSION

Recommendation:

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

REGULAR MEETING

7:00 p.m.

CITY COUNCIL REPORTS

Mayor Constantine

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

3. **ADOPT RESOLUTION RESCINDING AND REPLACING RESOLUTION 22-019, PLACING THE MONTEREY ROAD LANE REDUCTION MEASURE ON THE NOVEMBER 8, 2022 BALLOT**

Recommendation:

Adopt resolution rescinding and replacing resolution 22-019, placing the Monterey Road Lane Reduction Measure on the November 3, 2022 ballot.

4. **APPROVE ON-CALL TRANSPORTATION/TRAFFIC ENGINEERING SERVICES FOR FY22-23 AND FY23-24**

Recommendation:

Approve and authorize the City Manager to execute and administer an agreement with TL Engineering in the amount of \$340,000, with a \$102,000

contingency, for a total contract amount not to exceed \$442,000 to provide On-Call Transportation/Traffic Engineering Services for various Capital Improvement Program Projects and On-Call Engineering Plan Review and Technical Support Services for Land Development Engineering.

5. APPROVE UTILITY BOX ART AT JOHN WILSON WAY AND MONTEREY ROAD

Recommendation:

1. Approve the installation of utility box art by Rehat Sra on the City-owned traffic signal control box located at the northwest corner of the intersection of John Wilson Way and Monterey Road; and
2. Authorize the City Manager to enter and administer the necessary agreements to complete the project.

6. APPROVE THE JUNE 15, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the June 15, 2022 City Council Meeting Minutes.

7. APPROVE THE REVISED AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) SALARY SCHEDULES

Recommendation:

Approve the revised American Federation of State, County, and Municipal Employees (AFSCME) salary schedules.

8. AWARD MORGAN HILL RECTANGULAR RAPID FLASHING BEACON (RRFB) AND HIGH INTENSITY ACTIVATED CROSSWALK BEACON (HAWK) PROJECT

Recommendation:

1. Adopt resolution to amend the Fiscal Year (FY) 2022-23 budget to appropriate an additional \$244,063 in the Park Impact Fund (301) for the Morgan Hill RRFB and HAWK Signal Project;
2. Approve the Morgan Hill RRFB and HAWK Signal Project Plans and Specifications;
3. Award contract to Golden Bay Construction, Inc. for the Morgan Hill RRFB and HAWK Signal Project in the amount of \$665,989;
4. Authorize expenditure of construction contingency funds not to exceed \$66,599; and
5. Authorize the City Manager to execute and administer the construction contract with Golden Bay Construction, Inc.

9. **UPDATE ON PARTNERSHIP OPPORTUNITIES ON CITY OWNED PARKLAND AT BUTTERFIELD BOULEVARD AND MONTEREY ROAD**

Recommendation:

Receive an update on the Invitation for Letters of Interest for Partner Organizations for Development and Operations on City-owned Parkland.

PUBLIC HEARINGS

10. **INTRODUCE AN ORDINANCE TO AMEND THE TEXT OF TITLE 12 AND TITLE 18 OF THE MORGAN HILL MUNICIPAL CODE TO REFLECT THE CITY COUNCIL'S ADOPTION OF THE MORGAN HILL OUTDOOR DINING PROGRAM AND MANUAL FOR SIDEWALK CAFES AND PARKLETS**

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 the Planning Commission.

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.

August 3, 2022

7



CITY COUNCIL STAFF REPORT

MEETING DATE: August 3, 2022

PREPARED BY:

Kim Mancera, Deputy City Clerk

APPROVED BY: City Manager

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

RECOMMENDATION(S)

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

Estimated Time:

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

Preserving and Cultivating Public Trust

REPORT NARRATIVE:

In light of the existing state of emergency and the [County Health Officer's recommendation](#), the attached Resolution has been prepared to enable all legislative bodies of the City of Morgan Hill to continue to meet remotely in accordance with AB 361. The Resolution directs all legislative bodies subject to the Brown Act, including the City Council, Planning Commission, Parks and Recreation Commission, and the Library, Culture, and Arts Commission, to continue to only meet remotely in accordance with AB 361. The Resolution also makes the necessary findings under AB 361 by finding that a state of emergency continues to exist relating to COVID-19 and this necessitates that legislative bodies continue to meet remotely. The Resolution is consistent with the County Health Officer's recommendation that legislative bodies continue to meet remotely to promote social distancing to reduce the risk of COVID-19 transmission.

COMMUNITY ENGAGEMENT:

This report serves to inform the Community of the recommendation to continue teleconferenced meetings.

ALTERNATIVE ACTIONS:

The Council could choose not to adopt the proposed resolution and continue its August 3, 2022 meeting to a date certain for an in-person meeting. All meetings of the City and its commissions going forward would also be in-person.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Each month since October 6, 2021, the City Council has adopted a resolution determining that conducting in-person meetings would present an imminent risk to attendees' health and electing to continue conducting meetings using teleconferencing.

FISCAL AND RESOURCE IMPACT:

Continued use of teleconferencing software has a minimal fiscal impact.

CEQA (California Environmental Quality Act):

Not a Project.

Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment are not projects that require environmental review.

RESOLUTION NO. 22-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE CITY COUNCIL AND ITS BOARDS AND COMMISSIONS WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953(e) (AB 361)

WHEREAS, on March 4, 2020, Governor Newsom declared a state of emergency related to the COVID-19 global pandemic, a state of emergency that is ongoing; and

WHEREAS, on March 13, 2020, the City Manager in her capacity as Emergency Services Director declared a local emergency due to the spread of COVID-19, and that emergency declaration was ratified on March 18, 2020; and

WHEREAS, the City of Morgan Hill remains in a state of emergency due to the continuing spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated, or are at a higher risk of severe illness due to COVID-19; and

WHEREAS, the City's public meeting facility is indoor and not designed to ensure circulation of fresh/outdoor air, and not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of severe illness due to COVID-19; and

WHEREAS, technology exists that allows full participation from members of the public without requiring in-person attendance at a City Council meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

1. The conduct of in-person public meetings would pose imminent risks to the health of attendees.
2. Public health and safety and the public right to participate in local government are both critically important. The City of Morgan Hill is committed to balancing both by making City Council and commission meetings accessible through multiple formats and by allowing real-time public comment through teleconferencing solutions.
3. The City Council will renew these findings at least every thirty (30) days in accordance with Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted or until the City Council determines that in-person meetings no longer pose imminent risks to the health of attendees, whichever comes first.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the August 3, 2022.

AYES: **COUNCIL MEMBERS:**
NOES: **COUNCIL MEMBERS:**
ABSTAIN: **COUNCIL MEMBERS:**
ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

∞ CERTIFICATION ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 22-XXX, adopted by the City Council at a regular meeting held on August 3, 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: August 3, 2022

PREPARED BY:

Angie Gonzalez, Council Services Assistant

APPROVED BY: City Manager

INTERVIEWS TO FILL ONE (1) VACANCY ON THE PLANNING COMMISSION

RECOMMENDATION(S)

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

Estimated Time: 90 Minutes

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Maintaining and Enhancing Infrastructure

Supporting our Youth, Seniors, and Entire Community

Preserving and Cultivating Public Trust

REPORT NARRATIVE:

Effective April 26, 2022, Laura Gonzalez Escoto resigned from the Planning Commission. Recruitment efforts were conducted and resulted in five applications being submitted for Planning Commission appointment consideration: Alicia Carlson, Saam Farahmand, Jeremy Mereidos, Michael Robertson, and James Wilson. The appointed applicant would fill the vacant seat with a term ending June 1, 2025.

All applicants have been invited and confirmed their availability to interview before the City Council on August 3, 2022. Their applications are attached for Council consideration.

COMMUNITY ENGAGEMENT:

Involve

Recruitment efforts have been undertaken to encourage citizens to apply for City Council appointment consideration to the Planning Commission via the Morgan Hill

Times, City Website, Government Access Channel, and social media.

ALTERNATIVE ACTIONS:

If the City Council desires, it could decide to re-open the application process to solicit more applicants to fill this seat.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Planning Commissioners serve four-year terms with possible reappointment consideration. Every year, recruitment efforts are conducted to maintain the seven (7) member Commission.

FISCAL AND RESOURCE IMPACT:

There is no fiscal impact associated with the actions to interview and appoint, as the recruitment and appointment process is accommodated in the City Clerk's operating budget.

CEQA (California Environmental Quality Act):

Not a project.

The interview and appointment of commissioners is not a project, as defined in Section 15378 of the State CEQA guidelines.

Chapter 2.36 - PLANNING COMMISSION*

Sections:

2.36.010 - Created—Statutory authority.

The planning commission is established pursuant to the authority contained in Chapter 3 of Title VII of the California Government Code, entitled "Local Planning, " as existing or hereafter amended. Reference shall be made to said Chapter 3 for interpretation of this chapter.

(Ord. 811 N.S. § 1 (II-3-1), 1987)

2.36.020 - Membership—Terms of office—Vacancies.

A. The city planning commission shall consist of seven members. Members of the planning commission shall serve the following terms:

1. In the year 1998, three members shall be appointed to serve terms ending June 1, 2001;
2. The four members who were appointed in 1996 shall serve terms ending June 1, 1999;
3. Thereafter, all terms shall be for four years and shall expire on June 1st.

(Ord. 1778 N.S. § 5, 2006; Ord. 1407 N.S. § 2, 1998; Ord. 1083 N.S. § 1, 1992; Ord. 811 N.S. § 1 (II-3-2), 1987)

2.36.030 - Meetings.

The commission shall hold regular meetings at least twice a month or as otherwise deemed necessary by the commission. All meetings of the commission shall be held in the city council chambers at City Hall or other location designated by minute order of the city council or at a location deemed necessary or appropriate by the planning commission.

(Ord. 1197 N.S. § 1 (part), 1994; Ord. 811 N.S. § 1 (II-3-3), 1987)

2.36.040 - Powers and duties.

The planning commission shall have the powers and shall perform all the duties conferred and imposed upon city planning commissions by the applicable provisions of Chapter 3 of Title VII of the Government Code of the state and, in addition, the planning commission shall:

- A. Perform all the functions assigned to the commission by the subdivision and zoning ordinances (Titles 17 (Subdivisions) and 18 (Zoning) of this code) of the city, and all general laws of the state of California;
- B. Serve as an advisory body to the city council on matters related to city growth and

development and on such other matters as may be requested by the council;

- C. Promote public interest in and understanding of the subdivision and zoning ordinances of the city, and also of all master plans and other official plans and regulations pertaining to planning which have been approved officially by the city council;
- D. Review and advise the city council on all proposed amendments to Title 17, Subdivisions, and Title 18, Zoning;
- E. Approve or disapprove application for designation of cultural resources and historic districts pursuant to Chapter 18.60 (Historic Resources) of this code, or as amended;
- F. Approve or disapprove permits sought to remove or demolish a cultural resource, cultural resource site or historic district pursuant to Chapter 18.60 (Historic Resources) of this code, or as amended.

(Ord. 1111 N.S. §§ 2, 3, 1992; Ord. 899 N.S. § 18, 1989; Ord. 811 N.S. § 1 (II-3-4), 1987)

(Ord. No. 2327 N.S., § 2, 12-15-2021)

Print**Commission Application - Submission #36956****Date Submitted: 7/22/2022****First Name**

Alicia

Last Name

Carlson

Address1**Address2****City**

Morgan Hill

State

CA

Zip

95037-4823

Home Phone Number**Cell Phone Number****email address****Occupation**

Finance Director

Are you a registered voter?

yes

Please list any properties you own in Morgan Hill**Do you have any relatives currently employed by the City of Morgan Hill?**

No

If yes, please provide name

Visit the link below for information on the Planning Commission

[Planning Commission](#)

Visit the link below for information on the Parks and Recreation Commission

[Parks and Recreation Commission](#)

Visit the link below for information on the Library, Culture, and Arts Commission

[Library, Culture, and Arts Commission](#)

Please select the commission you are interested in serving on

Planning Commission



Please select the commission that would be your second choice. If you do not have a second choice, please move on to the next question.

Parks and Recreation Commission



Please upload a letter of interest or cover letter*

Alicia Carlson Cover Letter for Planning Commission.pdf

Please upload a resume*

Alicia Carlson resume 6.2022.pdf

Have you ever served on any other citizen advisory commission or committee? If yes, please list and briefly explain the purpose of each one.*

Freedom Fest Chair



What skills and/or experience do you possess that would be important to your role as a commissioner?*

Grew up in Morgan Hill and chose to return back to raise my family (3 children in MH schools)
+10 years of real estate development and financing
+17 years of financial operations within Real Estate and HealthCare
Generation not well represented on the Planning Commission



What do you understand the role of the commission to be and why would you like to serve on this commission?*

The goal of the commission is to be advisory to the City Council, to review the issues in detail and provide the best advice after listening to the community, neighborhood, staff and delving into all pertinent details.
I have a genuine commitment to engagement with my community and help to facilitate the best outcome for all who live and work in Morgan Hill.



What would you like to accomplish as a commissioner?*

Provide solid analysis and framework for decisions
Engage with community to help build trust



What are the greatest opportunities facing the community in regards to this commission?*

Build trust and broaden community engagement
Unified messaging around growth and sustainability



If you are an incumbent seeking reappointment:**Are you next in line to serve as Chair or Vice-Chair?**☐ Yes☒ No**Are you currently serving on a committee**☐ Yes☒ No**Are you assigned to a special project?**☐ Yes☒ No**If you are assigned to a special project, please describe the project.****Please review the City Council Ethics Policy**[City Council Ethics Policy](#)

Please type name to sign. By my signature, I agree to comply with all government regulations, should I be appointed to serve on a City of Morgan Hill Commission or Committee and confirm that I have read the attached Ethics Policy and that I do subscribe to this Policy; that I will apply it to the specific responsibilities s which I may be assigned; and that I will practice the core values set forth in this Policy in my public service for the City of Morgan Hill. Additionally, I commit to attend and participate in all Commission and Committee meetings to which I am appointed, unless excused by the Chair.*

Alicia Carlson

Date*

7/22/2022

1:30 PM

Alicia Carlson

[REDACTED]
Morgan Hill, Ca 95037

Dear City of Morgan Hill,

I am excited to submit my application for the vacant Planning Commission seat.

I bring 17 years of hands-on finance and operational experience and have a proven track record of achievements in finance, team building, operations and project management. I have been fortunate to work in a variety of industries giving me a unique perspective when addressing roadblocks pushing me to learn how to build consensus in complex and different environments. Most importantly, I have achieved this success by treating all with respect and creating an environment where we can all feel positive about our contributions.

As well as the financial diligence and team building experience that I bring to the Commission, I understand design, construction and financing of projects both large and small and will provide a level of expertise important in driving decisions that involve complex development questions. As we move into new territory regarding housing, our natural environment and sustainability I look forward to being able to provide knowledgeable participation.

I grew up in Morgan Hill and opted to return to raise my family here with my husband. As a mother of 3 young daughters, I am committed to contributing to our community and am eager to be a part of something larger and positive for our collective good.

Thank you very much for your time and consideration.

Sincerely,
Alicia Carlson

Profile Finance leader with demonstrated success in finance, operations and team development. Exceptional people skills, creative problem solving, ability to influence, build consensus and manage complex projects.

Work Experience

- 7/2016– **STRYKER** **SAN JOSE, CA**
Present *Director, Financial Planning and Analysis*
 Report to Division CFO, overseeing financial planning, reporting, and analysis for the Endoscopy Division responsible for financials across United States, Canada and Europe. Plan, schedule, and optimize multiple complex processes across business units including annual strategic plan and budget, monthly projections, and business reviews with senior leadership. Selected as member of the Steering Committee for local
- Lead \$2.5B Division Finance quarterly, monthly and weekly financial projections. Responsible for monitoring P&L performance, updating financial projections and discussing key trends, changes and recommendations with senior leadership.
 - Key leader in successful transition and implementation of SAP Business Planning Consolidation application and relocation of responsibilities through positive change management and consistent program management.
- Senior Manager, Pricing*
 Led 6+ pricing team working cross functionally to drive margin expansion for 5+ U.S. and European Business Units.
- Implemented pricing framework within New Product Development processes driving pre-launch pricing discipline through pricing best practices leading to <\$30M in pricing gains.
- 10/2013– **COUNSYL, INC** **SOUTH SAN FRANCISCO, CA**
 6/2016 *Senior Manager, Billing*
 Led 30+ revenue cycle team responsible for delivering ~\$100M in annual revenue by processing claims, maintaining payer relationships, and ensuring timely collections. Drove team performance through career development, focus on metrics and improving and automating workflow processes. Work with department heads to build and implement financial and operational improvements to continually improve reimbursement and patient experience.
- Selected to spearhead cross-functional company initiative to increase average selling price; analyzed and suggested fee schedule, bill rates and other billing operational changes that resulted in 18% YOY increase across all products.
 - Created and implemented financial KPIs allowing the team to monitor revenue, turnaround time and performance resulting in a 50% reduction in turnaround time and a 60 day increase in revenue recognition.
- 10/2010– **TRINITAS PARTNERS, LLC** **MENLO PARK, CA**
 10/2013 *Vice President of Operations and Finance*
 Led investment underwriting, conducted due diligence, developed fundraising memorandums and administered investor communications. Promoted to also manage all financial and operational aspects of Trinitas Farming, the operating LLC that provides farming and development services for Trinitas Partners' real estate portfolio.
- Built a financial framework to model fund returns allowing the team to quickly evaluate potential deals and calculate real-time fund performance. Managed debt relationships including sourcing, modeling, terms, negotiations and administered compliance and draws for ~\$100M of debt.
 - Oversaw \$25M in annual spend including 30+ third-party vendor negotiations, contracts and administration and managed profit forecasting and monthly budget vs. actuals review.
 - Managed transition of accounting function in-house, streamlined billing, invoicing and monthly closing processes, resulting in increased accuracy and accountability, and allowing for 15 day decrease in financial report distribution.
- 8/2006– **CB RICHARD ELLIS** **SAN FRANCISCO, CA**
 10/2010 *Consulting Director, Global Corporate Services*
 Reported to Division President, assisting with strategic planning, organizational design and sales operations. Led communications to CBRE Board, investors, clients and internal audiences.
- Developed and implemented a strategic plan to capture a larger market share of the Healthcare industry using targeted acquisitions and an internal joint venture with the company's largest business unit resulting in \$20M in new sales.
- THE CONCORD GROUP** **SAN FRANCISCO, CA**
Consulting Associate
 7/2005– Worked on 2-4 person teams to complete 50+ engagements advising developer and financial institution clients on issues of
 8/2006 land use optimization, product segmentation, positioning and pricing strategy.

Education and Community

- 9/2001– **CLAREMONT MCKENNA COLLEGE**
 5/2005 Bachelor of Science in Government, minor in Leadership
DIRECTOR OF MORGAN HILL 4TH OF JULY RUN (RAISES ~\$50K FOR MORGAN HILL FIREWORKS)
MOUNT MADONNA SCHOOL BOARD OF DIRECTORS

Print

Commission Application - Submission #36843

Date Submitted: 7/18/2022

First Name	Last Name
Saam	Farahmand

Address1

Address2

City	State	Zip
Morgan Hill	CA	95037

Home Phone Number	Cell Phone Number

email address

Occupation	Are you a registered voter?
Renewals Manager/Sales	yes

Please list any properties you own in Morgan Hill

Do you have any relatives currently employed by the City of Morgan Hill?	If yes, please provide name
No	

Visit the link below for information on the Planning Commission

[Planning Commission](#)

Visit the link below for information on the Parks and Recreation Commission

[Parks and Recreation Commission](#)

Visit the link below for information on the Library, Culture, and Arts Commission

[Library, Culture, and Arts Commission](#)

Please select the commission you are interested in serving on

Planning Commission



Please select the commission that would be your second choice. If you do not have a second choice, please move on to the next question.

Parks and Recreation Commission



Please upload a letter of interest or cover letter*

Saam Farahmand Cover Letter.pdf

Please upload a resume*

Saam Farahmand Resume 2022.pdf

Have you ever served on any other citizen advisory commission or committee? If yes, please list and briefly explain the purpose of each one.*

I have not served on a committee.

What skills and/or experience do you possess that would be important to your role as a commissioner?*

I have been in sales for a long time and can connect with people and bring them together. Many of my peers have said that I bring strong leadership qualities and the ability work in a collaborative environment.

What do you understand the role of the commission to be and why would you like to serve on this commission?*

The role of this commission is to be involved in the planning of various projects within the Morgan Hill city limits. This position will be extremely important as we are shaping the future of Morgan Hill for the near and long term future. There will be a great deal of thought, research, and decision making involved in this role and we are working close with our peers and the citizens of this city.

What would you like to accomplish as a commissioner?*

I would like to be involved in shaping the future of Morgan Hill and to help grow this city in a way that makes sense for all.

What are the greatest opportunities facing the community in regards to this commission?*

Morgan Hill is growing at a rapid pace from retail, commercial, and residential developments being built. The city which is a small town is now flirting with the concept of becoming a larger small town city. There is a great deal of untapped potential within the city limits from additional housing, retail, and commercial projects to be developed. However, the city needs to be careful not to overbuild and not to approve projects that do not benefit the community.

The downtown core has been a major achievement of this commission. Morgan Hill now has a great deal of newer/modern housing that has been built within the downtown, new restaurants that have opened, and retail shops that are calling Morgan Hill home. Even with all the changes over the past decade, the downtown core could still use some additional townhouse/apartment style housing near downtown. It could also use additional retail and restaurants which can add additional revenue.

In other districts around the city additional housing, retail, and commercial are needed as we continue to grow especially around Cochrane Road, Dunne, and Tennant. Sky is the limit on what can be done. But it must be done in smart manner that makes sense.

If you are an incumbent seeking reappointment:**Are you next in line to serve as Chair or Vice-Chair?**☐ Yes☒ No**Are you currently serving on a committee**☐ Yes☒ No**Are you assigned to a special project?**☐ Yes☒ No**If you are assigned to a special project, please describe the project.****Please review the City Council Ethics Policy**[City Council Ethics Policy](#)

Please type name to sign. By my signature, I agree to comply with all government regulations, should I be appointed to serve on a City of Morgan Hill Commission or Committee and confirm that I have read the attached Ethics Policy and that I do subscribe to this Policy; that I will apply it to the specific responsibilities s which I may be assigned; and that I will practice the core values set forth in this Policy in my public service for the City of Morgan Hill. Additionally, I commit to attend and participate in all Commission and Committee meetings to which I am appointed, unless excused by the Chair.*

Saam Farahmand

Date*

7/18/2022

9:45 PM

Saam Farahmand

Morgan Hill, CA

Dear Planning Committee:

My name is Saam Farahmand and I'm heavily interested in the committee member position for the Morgan Hill Planning Commission. I am a graduate of San Jose State University receiving my bachelor's in Journalism and Mass Communication with emphasis in Public Relations. I have twelve years-experience in sales. Currently, I am employed at Cisco Systems as a Renewals Manager. I have been with the organization for three years. Within my years of experience in sales I bring a collaborative approach to teamwork, connect well with people, and have been mentioned as someone with leadership qualities by my peers. With that said, I believe these three main qualities make me qualified to be a committee member on the planning commission for the city of Morgan Hill.

Throughout my life I have been interested in city planning, what it takes to improve a city, and the process behind it. The city of Morgan Hill has always been a jewel in the southern part of the Bay Area with its clean streets, friendly neighborhoods, and lively community. It is a small town that has been rapidly growing especially within the last decade. With the constant growth of Silicon Valley, Morgan Hill will continue to grow. It is imperative that we bring a collaborative approach with community outreach to not only keep the identity of our small town but to plan and approve development projects that will appropriately address our growing region. Our downtown core has been one of the biggest achievements of the planning commission. New housing projects, lively restaurants, and commercial developments have taken shape in and around the downtown area making it an economic success.

As we go deeper in this decade, it is imperative that we continue to address population growth with semi high density residential developments, additional retail, and commercial properties. The downtown area has great potential to further expand on both sides of Monterey Road, especially near critical transportation. Key areas such as Cochrane, Dunne, and Tennant will also need to see further development from housing, retail, and commercial to address additional growth projections. Sky is the limit for Morgan Hill but we as a community need to ensure that we approve projects that will not only benefit our city in the short term but the long-term future.

I am available at your convenience, and I hope to hear from you soon. Thank you for your consideration.

Sincerely,

Saam Farahmand

Summary

Goal-driven, tenacious Account Executive with 12+ years demonstrating award-winning sales record in highly competitive landscape. Strong leader and team player; excellent motivational skills to build and sustain forward momentum.

Professional Experience

Cisco Systems

Jan. 2019-Present

Renewals Manager

- Negotiate pricing and drafting contract agreements between partner and Cisco
- Maintain and grow business with existing customers
- Collaborate with other divisions within Cisco to grow deal size
- Leverage Salesforce to ensure organization of metrics and prospective customer contacts
- Responsible for several territories per quarter ensuring 85-90% renewal rate
- Help team members engage various deal sizes
- Conduct product presentations with internal and external players
- Manage renewal deal sizes from \$1K to \$1M

Sales Accomplishments

- Q4FY19: Top renewal rate within West Sector
- Q3FY20: Top performance award within West Sector
- Q4FY21: Top performance award within Central Territory
- Q4 FY21: Superstar award: All around team player
- Q2FY22: Top performance award within Central Territory

Kelly Services Inc.

Account Executive

Mar. 2017 -Jan. 2019

- Develop partnerships with companies in various industries including tech, biotech, manufacturing, and light industrial
- Establish and maintain relationships with C-level executives, Project Managers, and HR professionals
- Generate leads by managing pipeline, cold calling, email campaigns, and supporting trade shows
- Develop strategies that support sales growth and customer success
- Negotiate pricing and drafting contract agreements with customers
- Collaborate with other divisions to ensure sales process is fully executed
- Leverage Salesforce and Jobvite to engage customer base and prospective clients
- Generated profits by adding new customers and filling requisition orders

Sales Accomplishments

- **\$3.7 million** in closed business – highest in West Sector Territory
- Q2 '17 - Over 110% of Personal Quota Achieved
- Q3 '17 - Over 140% of Personal Quota Achieved: Top 3 in Sales Division
- Q4 '17 - Over 175% of Personal Quota Achieved: Top 3 in Sales Division
- Q1 '18 - Over 120% of Personal Quota Achieved: Top 3 in Sales Division

San Jose BioCube

Marketing and Business Development Manager

Aug. 2013 – Mar. 2017

- Partnered with senior leadership to drive sales strategy, provide vital metrics and in-depth business analytics
- Responsible for prospecting, cold calling, facility tours, and closing new business
- Improved company's tenant occupancy from 58% (15 companies) to 100% (25 companies) within a year, increasing company profitability from \$90k to \$175k/month gross rental revenue
- Recruited and signed 25 biotech, life science, nanotech, and clean tech startups to leasing contracts
- Delivered presentations to prospective tenants and C-level executives
- Evaluated, recommended, and implemented improvements to company business model
- Negotiated leasing agreements, partnership contracts, and established business development deals
- Drafted and produced all marketing material and collateral
- Executed events, vendor shows, and guest speaker presentations for client base

Public Relations Intern

May 2013 – Aug. 2013

- Developed and maintained a sales pipeline of prospective clients for laboratory and office space
- Created a strategic marketing plan for the organization
- Updated company website, created and maintained all social media accounts
- Conducted facility tours for potential clients, serving as a point of contact for inquiries
- Planned, organized, and managed company events
- Supervised the development of a marketing video to enhance public visibility

Silver Spring Networks, Inc.

Legal Assistant Intern

Jan. 2012 – Aug. 2012

- Reviewed and revised contracts under the supervision of department lawyers, ensuring full execution
- Worked on special projects for legal team
- Provided analysis of contract content as requested by department lawyers
- Organized and maintained contracts within appropriate shared drives

Banana Republic – GAP Inc.

Sales Associate

Nov. 2006 – Aug. 2012

- Top 50 salesperson in West Coast Region (2007-2012), top 3 salesperson in store (2007 – 2012)
- Exceeded quarterly sales quotas from 100% to 200% (Nov. 2006 – Aug. 2012)
- Achieved top sales associate positioning with total sales of ~\$1.9 million
- Provided excellent customer service and created an exclusive client base of 500
- Helped on-board, train, and mentor new sales hires

Education

San Jose State University

2011 - 2014

B.S. Public Relations

Print**Commission Application - Submission #36757****Date Submitted: 7/16/2022****First Name**

Jeremy

Last Name

Medeiros

Address1**Address2****City**

Morgan Hill

State

CA

Zip

95037

Home Phone Number**Cell Phone Number****email address****Occupation**

Facilities Management

Are you a registered voter?

yes

**Please list any properties you own in Morgan Hill****Do you have any relatives currently employed by the City of Morgan Hill?**

No

**If yes, please provide name**

Visit the link below for information on the Planning Commission

[Planning Commission](#)

Visit the link below for information on the Parks and Recreation Commission

[Parks and Recreation Commission](#)

Visit the link below for information on the Library, Culture, and Arts Commission

[Library, Culture, and Arts Commission](#)

Please select the commission you are interested in serving on

Planning Commission



Please select the commission that would be your second choice. If you do not have a second choice, please move on to the next question.



Please upload a letter of interest or cover letter*

Jeremy Medeiros Cover Letter.pdf

Please upload a resume*

Jeremy Medeiros Resume.pdf

Have you ever served on any other citizen advisory commission or committee? If yes, please list and briefly explain the purpose of each one.*

N/A

What skills and/or experience do you possess that would be important to your role as a commissioner?*

I hold a real estate license from the state of California. I have been in facilities management for the last 5 years, primarily at Stanford Healthcare.

What do you understand the role of the commission to be and why would you like to serve on this commission?*

The role of the commission is to serve as an advisory body to the city council to steer and provide feedback to the growth and development of Morgan Hill. I want to help shape Morgan Hill for the future. As someone raising a family in Morgan Hill, I want to see it keep its charm for the next generation.

What would you like to accomplish as a commissioner?*

As a commissioner, I hope to sustain Morgan Hill's reputation as a good place to raise your family: where there are friendly neighborhoods, great parks, and safe public transportation options.

What are the greatest opportunities facing the community in regards to this commission?*

Morgan Hill has the potential to attract small- to medium-sized businesses so that the people of Morgan hill can live, play, *and* work in Morgan Hill. The commission can also help ensure that the downtown area continues to be a family-friendly place to eat and shop.

If you are an incumbent seeking reappointment:

Are you next in line to serve as Chair or Vice-Chair?

☐ Yes

☐ No

Are you currently serving on a committee

☐ Yes

☐ No

Are you assigned to a special project?

☐ Yes

☐ No

If you are assigned to a special project, please describe the project.

Please review the City Council Ethics Policy

[City Council Ethics Policy](#)

Please type name to sign. By my signature, I agree to comply with all government regulations, should I be appointed to serve on a City of Morgan Hill Commission or Committee and confirm that I have read the attached Ethics Policy and that I do subscribe to this Policy; that I will apply it to the specific responsibilities s which I may be assigned; and that I will practice the core values set forth in this Policy in my public service for the City of Morgan Hill. Additionally, I commit to attend and participate in all Commission and Committee meetings to which I am appointed, unless excused by the Chair.*

Jeremy Medeiros

Date*

7/16/2022

2:00 PM

July 16, 2022

City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

To Whom It May Concern:

I started my experiences in Morgan Hill as a kid. My family traveled to church in Morgan Hill from Hollister every week, and even as a kid, I enjoyed Morgan Hill's community. Since then, I have enjoyed watching it grow into the city where I bought a house and settled with my family in 2020.

Since we moved to Morgan Hill from San Jose, we have fully embraced the lifestyle that Morgan Hill offers. Every morning, I bike downtown to hop on CalTrain, where I spend time chatting with other Morgan Hill residents on the way to work and with whom we're likely to spend Friday nights at Running Shop. I enjoy walking downtown with my family for a cup of coffee or ice cream cone, and we're likely to see someone else we know along the way. The opportunities we have to enjoy these small businesses and to reach them safely is due to the work of the Planning Commission and the City of Morgan Hill. I want to help this legacy continue for future generations by serving on Morgan Hill's Planning Commission.

I look forward to bringing my experience from facilities management and real estate to providing a citizen's perspective to the City of Morgan Hill. My experience gives me a good perspective on the day-to-day operations of different developments, which can provide insight into the post-construction impacts there may be. In addition, I know that my time on the Planning Commission would teach me a great deal about our city, facilities, and real estate. In the learning process, I would research different laws, environmental impact studies, and resident perspectives as I offer my insights on each project.

Thank you for taking the time to review my application. I look forward to continuing to watch Morgan Hill thrive for years to come.

Sincerely,



Jeremy Medeiros

EXPERIENCE

Stanford Healthcare, Palo Alto, CA

April 2020 – Present

Facilities Manager, Site Support Services

Managed portfolio of up to 20 sites (leased & owned) with 500k sq-ft of medical and office space. Oversaw building projects, engineering, housekeeping, and tenant improvements. Analyzed, created, and implemented a \$8M operations budget. Built and maintained positive relationships with a diverse set of stakeholders and building landlords. Performed building rounds to ensure hospital regulatory compliance standards. Collaborated with Assistant Chief Engineer to ensure operation of critical infrastructure, maintenance completion, and timely response.

- Fostered healthy relationships with business leaders as the single point of contact, solving root cause issues to prevent future service delays.
- Understood end-to-end processes, identified improvement opportunities, and concisely trained others. Often consulted across department to solve abstract problems on process, software, and analytics/reporting.
- Met with key department leaders on monthly basis to understand pain points and proactively manage escalations.
- Consulted and collaborated with subject matter experts to manage incidents and meet business leader needs.
- Managed outside service vendors (engineering, janitorial, landscaping, etc.) through weekly site quality inspections to ensure high quality standards are meeting leadership's expectations.
- Developed annual facilities operating budget with considerations for service contracts, project needs, and inflation. Managed budget through monthly variance reports, explaining cost variations when necessary.

Cushman & Wakefield, San Jose, CA

April 2019 – March 2020

Facilities Manager, Integrated Facilities Management

Oversaw day-to-day operations team of 9 people on eBay campus of 500k sq-ft of office buildings, including 3 direct reports. Collaborated with Account Directors on hiring, budgets, monthly financials, and team culture. Completed the eBay contract and transitioned to the Google account. Managed 1.2M sq-ft of Google-owned buildings in San Jose, Palo Alto, and Redwood City, including offices and childcare centers. Reviewed, upheld, and reported on client-developed SLAs and KPIs. Led a team of 14 people with the assistance of 4 direct reports.

- Earned a 90+% customer satisfaction score.
- Completed 98% of work orders within 1 week to ensure high-quality customer experiences.
- Upheld a 98+% score on all client-directed KPIs.
- Created a shared file structure for facilities team to reduce redundancy and increase mobility.
- Developed standard work procedures for events setup team to create transparency and accountability.

Stanford Healthcare, Palo Alto, CA

April 2014 – March 2019

Facilities Manager, Site Support Services

Managed portfolio of up to 20 sites (leased & owned) with 500k sq-ft of medical and office space. Oversaw building projects, engineering, housekeeping, and tenant improvements. Analyzed, created, and implemented a \$10M operations budget. Built and maintained positive relationships with a diverse set of stakeholders and building landlords. Performed building rounds to ensure hospital regulatory compliance standards. Collaborated with Assistant Chief Engineer to ensure operation of critical infrastructure, maintenance completion, and timely response.

Assistant Facilities Manager, Site Support Services

Managed a 4-building campus with 400k sq-ft of medical and office space with a \$5.5M operational budget, including vendor management and tenant relationships.

- Hit project milestones in 100k sq-ft medical building activation by implementing cost effective vendor services.
- Supported regulatory accreditation through documenting weekly inspections and managing corrective actions.
- Managed and oversaw more than 20 clinics & administrative locations as point of contact for all services.

Facilities Coordinator, Site Support Services

Monitored and maintained work orders to completion throughout portfolio of 21 diverse sites. Coordinated vendors, housekeeping, and staff to meet business leaders' needs. Assisted with engineering and maintenance projects. Analyzed financial data to create budget. Worked with management to meet budget goals. Oversaw purchase orders, and worked with vendors to ensure timely and accurate payments. Coordinated with space management to order and finalize furniture needs. Organized and executed Pre-Construction Risk Assessments with vendors and Environmental Health and Safety Department.

- Reduced volume of past due work orders by >30%, improving customer satisfaction.
- Identified cost savings opportunity with supporting vendor (Cintas) through analysis & audit to save >\$10k.
- Led urgent resolution of pharmacy inspection deficiencies, resulting in a passed inspection within 2 weeks.
- Reduced ticket turn-around time across departments by developing a dashboard which integrates 2 CMMS systems.
- Self-taught superuser in IBM Maximo CMMS. Led multiple trainings for the new CMMS.
- Ran financial analysis from the finance software to guide budget for Facilities Manager.

Project Coordinator, Quality, Patient Safety and Effectiveness Department

Designed and ran data reports to prepare and present data for executive meetings. Supported an executive and her team of 17 clinical quality nurses and up to 7 programs. Scheduled and coordinated multiple calendars and meetings. Coordinated between departments on a day-to-day basis. Reviewed and managed project board to keep completed projects up-to-date. On-boarded new hires and maintained department website.

Léal Vineyards, Hollister, CA**July 2012 – March 2014*****Facilities/Event Manager, Willow Heights Venue***

Oversaw logistics of events by creating standard work practices and a visual management system. Managed event teams of 8 to 12 in creating perfect event experiences for customers. Streamlined inventory process through cataloguing, organizing, and ordering. Coordinated between departments on a day-to-day basis.

EDUCATION**California Association of Realtors***Real Estate License #02102807, 2021***BOMI International***Property Administrator Certificate (PAC), 2018**Facilities Management Certificate (FMC), 2017***California State University, Fresno***Bachelor of Science, Agricultural Business, 2008***ADDITIONAL INFORMATION**

- Proficient in Computerized Maintenance Management Systems (CMMS): IBM Maximo, Maintenance Connection Asset Management
- Proficient in Lawson, PeopleSoft (Procurement Software), EPSi (Budgeting & Finance), Box, G Suite, Gmail, Microsoft Excel, Word, PowerPoint, Outlook

Print

Commission Application Submission #34101

Date Submitted: 4/12/2022

First Name

Michael

Last Name

Robertson

Address1

Address2

City

Morgan Hill

State

CA

Zip

95037

Home Phone Number

Cell Phone Number

email address

Occupation

Account Manager

Are you a registered voter?

yes

Please list any properties you own in Morgan Hill

Do you have any relatives currently employed by the City of Morgan Hill?

No

If yes, please provide name

Visit the link below for information on the Planning Commission

[Planning Commission](#)

Visit the link below for information on the Parks and Recreation Commission

[Parks and Recreation Commission](#)

Visit the link below for information on the Library, Culture, and Arts Commission

[Library, Culture, and Art Commi ion](#)

Please select the commission you are interested in serving on

Parks and Recreation Commission

Please select the commission that would be your second choice. If you do not have a second choice, please move on to the next question.

Planning Commission

Please upload a letter of interest or cover letter*

MH Parks and Rec.docx

Please upload a resume*

MR Docs.docx

Have you ever served on any other citizen advisory commission or committee? If yes, please list and briefly explain the purpose of each one.*

No

What skills and/or experience do you possess that would be important to your role as a commissioner?*

Urban Plan Volunteer with ULI
Received a Certificate of Private Development from San Jose State
Solid Soft Skills

What do you understand the role of the commission to be and why would you like to serve on this commission?*

To offer a citizen's opinion into the best use of our parks and recreational programs that can best serve our community and to plan for future implementation to reach our City's goals.

What would you like to accomplish as a commissioner?*

Make the City and Community better than we found it.

What are the greatest opportunities facing the community in regards to this commission?*

How to mitigate some of the side effect of development by implementing park /open space and recreational opportunities to keep our small town feel with community identity.

If you are an incumbent seeking reappointment:**Are you next in line to serve as Chair or Vice-Chair?**☐ Yes☒ No

Are you currently serving on a committee

☐ Yes

☒ No

Are you assigned to a special project?

☐ Yes

☒ No

If you are assigned to a special project, please describe the project.

Please review the City Council Ethics Policy

[City Council Ethics Policy](#)

Please type name to sign. By my signature, I agree to comply with all government regulations, should I be appointed to serve on a City of Morgan Hill Commission or Committee and confirm that I have read the attached Ethics Policy and that I do subscribe to this Policy; that I will apply it to the specific responsibilities s which I may be assigned; and that I will practice the core values set forth in this Policy in my public service for the City of Morgan Hill. Additionally, I commit to attend and participate in all Commission and Committee meetings to which I am appointed, unless excused by the Chair.*

Michael L Robertson

Date*

4/12/2022

5:00 PM

04/12/2022

Morgan Hill City Council
17575 Peak Ave
Morgan Hill, CA
95037

Dear Morgan Hill City Council,

As a resident of the City of Morgan Hill I learned of the opportunity to serve our community as a Commissioner on the Parks and Recreation Commission. I am deeply interested in this opportunity and look forward to serving my community.

As a twelve-year resident of Morgan Hill, I have come to truly appreciate the magic and beauty of our community. I believe that our open spaces and parks are cornerstones to building a vibrant city that allows residents to integrate into a community. I would like to contribute to that community building through the Parks and Recreation Commission.

I look forward to presenting to the Council as to why I would be a good fit for this role,

Best Regards,

Michael Robertson

Michael Robertson

Professional Experience

FIRST AMERICAN TITLE NATIONAL COMMERCIAL SERVICES | September 2013 - Present

Commercial Business Developer

Develop and execute sales strategies in the greater Bay Area with primary markets in San Mateo and Santa Clara Counties to promote the First American title and escrow products. Collaborate with developers, lenders, legal counsel, and brokers on challenging escrow and title transactions.

Led 25% growth during tenure.

- Increased customer base by 28%.
- Boosted average fee per file by 35%.

SUNSTATE EQUIPMENT COMPANY | May 2006 – September 2013

Outside Sales Representative

Managed a \$25M territory for the 8th largest rental equipment firms in the nation. Developed strategies to counter competitors with an emphasis on value-added versus similar offerings. Qualified customers, assessed needs, provided solutions and negotiated prices with contractors and subcontractors.

Increased sales by 125%.

- Increased active customer base by 95% within the first two years of tenure.
- Trained 1,200+ customers on safe use of equipment.

HILTI INC. | April 2004 – May 2006

Sales Representative

Operated a sales center for a commercial power tool company specializing in concrete tools, laser positioning systems, and powder actuated systems. Interacted with businesses.

Increased sales by 85% in one year.

- Developed a cross-mechanizing campaign to promote specific items and create brand recognition.
- Advertised and managed promotional events to increase overall sales.

Education & Professional Development

Bachelor of Science, Business Administration | Chapman University, Orange, CA
Concentration in Entrepreneurship and Marketing

Dale Carnegie Course, "How to Win Friends and Influence People"

Print**Commission Application - Submission #36963****Date Submitted: 7/22/2022****First Name**

James

Last Name

Wilson

Address1**Address2****City**

Morgan Hill

State

CA

Zip

95037

Home Phone Number**Cell Phone Number****email address****Occupation**

Construction Manager

Are you a registered voter?

yes

Please list any properties you own in Morgan Hill**Do you have any relatives currently employed by the City of Morgan Hill?**

No

If yes, please provide name

Visit the link below for information on the Planning Commission

[Planning Commission](#)

Visit the link below for information on the Parks and Recreation Commission

[Parks and Recreation Commission](#)

Visit the link below for information on the Library, Culture, and Arts Commission

[Library, Culture, and Arts Commission](#)

Please select the commission you are interested in serving on

Please select the commission that would be your second choice. If you do not have a second choice, please move on to the next question.

Please upload a letter of interest or cover letter*

JW CMH cover letter.pdf

Please upload a resume*

JW Resume.pdf

Have you ever served on any other citizen advisory commission or committee? If yes, please list and briefly explain the purpose of each one.*

No, not on a citizen advisory commission or committee. Current on the HOA board of Madrone Plaza

What skills and/or experience do you possess that would be important to your role as a commissioner?*

With over 30 years of development, construction and construction management experience I understand both the needs of the City to allow well planned developments and to also address any concerns the residents may have regarding impacts from construction, increased traffic, etc.

What do you understand the role of the commission to be and why would you like to serve on this commission?*

To work with the City and public to ensure any new developments fit into the community's vision. I would like to serve on the commission because I believe my experience would be helpful in approving thoughtful project while still maintaining the charm and small town feel of Morgan Hill

What would you like to accomplish as a commissioner?*

I would like to continue the good work by the current and past Planning Commission in greatly improving downtown Morgan Hill and focus on the Cochrane Road corridor. I feel the Cochrane Road corridor has a great deal of upside potential to become an even larger commercial and residential area.

What are the greatest opportunities facing the community in regards to this commission?*

Morgan Hill's growing, well educated and affluent population is attractive to both business and retailers. I believe Morgan Hill can provide excellent opportunities for businesses to locate here while maintaining well planned growth. We have an opportunity to provide additional employment options to our residents and generate additional revenues for the City.

If you are an incumbent seeking reappointment:

Are you next in line to serve as Chair or Vice-Chair?

- ☐ Yes
☐ No

Are you currently serving on a committee

- ☐ Yes
☐ No

Are you assigned to a special project?

- ☐ Yes
☐ No

If you are assigned to a special project, please describe the project.

Please review the City Council Ethics Policy

[City Council Ethics Policy](#)

Please type name to sign. By my signature, I agree to comply with all government regulations, should I be appointed to serve on a City of Morgan Hill Commission or Committee and confirm that I have read the attached Ethics Policy and that I do subscribe to this Policy; that I will apply it to the specific responsibilities s which I may be assigned; and that I will practice the core values set forth in this Policy in my public service for the City of Morgan Hill. Additionally, I commit to attend and participate in all Commission and Committee meetings to which I am appointed, unless excused by the Chair.*

James Wilson

Date*

7/22/2022

3:38 PM

7/22/2022

City of Morgan Hill
Planning Commission

RE: Planning Commission Application

To whom it may concern,

Please find my cover letter, resume and application for the open seat on the Morgan Hill Planning Commission. As a person with over 30 years of experience in the development, construction, and construction management fields I believe my experience would serve the commission and city well.

With the ongoing growth of Morgan Hill, I feel the commission must address the needs of thoughtful growth while also addressing the concerns of the current residents. I feel my experience makes me well suited for that role.

I look forward to hearing from the city. I can be reached at [REDACTED] or [REDACTED].

Sincerely,

Jim Wilson

James M. Wilson
[REDACTED]
Morgan Hill, CA 95037
[REDACTED]
[REDACTED]

JIM WILSON

PROJECT DIRECTOR

Jim has more than 26 years of experience in both the construction and maintenance/operations industries, including the management of multi-million-dollar projects for both public and private sector clients. Jim has managed all aspects of construction projects—from initial planning, value engineering, and plan reviews through tenant occupancy and project closeout. His experience includes serving as client liaison, controlling and monitoring project budget and schedule, managing the design process, front-end specification development, contract administration, contract document interpretation, change order negotiation, scheduling and estimating. Jim also brings extensive experience with OPSC, UBC, Title 24 of the California Code of Regulations and DSA coordination.

Education

BS, Geography, San Jose State University

RELEVANT EXPERIENCE

Redwood City School District, Measure T Construction Management Services, Redwood City, CA: Project Director for a \$193 million construction program consisting of additions and renovations to 15 school programs and three support sites, in addition to other funding that the District is pursuing from the State. The program includes renovation of aging classrooms and science labs for 21st century learning and providing flexible classrooms and labs for science and other core academics, updating school libraries, classroom computers and instructional technology, fixing and replacing deteriorating rooms, removing aging and unsafe portable buildings and improving school fire and earthquake safety, replacing old, outdated and inefficient electrical, plumbing, heating and ventilation systems, and providing dedicated classrooms for music, art and performing arts electives. Jim is responsible for the overall success of the Kitchell team and is integrally involved in the development, management and performance of the team.

Milpitas Unified School District, Measure E Bond Program, Milpitas, CA: Project Director for a \$95 million bond program providing new construction and modernizations district-wide, including nine elementary schools, two middle schools, one high school, as well as several specialized learning centers and District support service facilities. Jim is responsible for the overall success of the Kitchell team and is integrally involved in the development, management and performance of the team.

Berryessa Union School District, New Central Kitchen, San Jose, CA: Project Director for a new \$5.7 million, 7,225 SF pre-manufactured central kitchen to handle food service operation for all of the District's 13 school sites. Jim is responsible for the overall success of the Kitchell team and is integrally involved in the development, management and performance of the team.

San Jose Unified School District, Measure F Bond Program, San Jose, CA: Project Manager for a \$550 million bond program featuring the modernization, renovation and upgrading of 46 elementary school, middle school and high schools and providing additional facilities for special programs in the District. Jim was responsible for development of the program implementation plan, site assessments for project development, development of standardized material specifications, management of the District Procedures Manual, negotiating consultant contracts, and facilitating design and project meetings.

San Jose Unified School District, Measure C Bond Program, San Jose, CA: Project Manager for a \$263 million, 2.3 million SF bond program of 14 schools in the District. This includes comprehensive project and construction management of different high schools, middle schools and two elementary schools. Program bond funding included both general obligation bond monies and matching funding from the State's Lease/Purchase Program. Jim was responsible for design management, bidding management and managing multiple prime contracts ensuring that issues were resolved in a timely manner, managing contractors were maintaining schedules, monitoring costs, and communicating progress to the school staff, the District staff, and the community.

ROLE & RESPONSIBILITIES

Project Director Jim Wilson brings over 26 years of education construction and project management experience to MSD. His successful execution of similar projects is an asset to any client as he focuses on the development of program procedures, standards and processes, including financial controls and reporting protocols. Jim will be integrally involved in the development, management and performance of the team in coordination with MSD's expectations.

CITY COUNCIL STAFF REPORT

MEETING DATE: August 3, 2022

PREPARED BY:

Michelle Bigelow, City Clerk

APPROVED BY: City Manager

ADOPT RESOLUTION RESCINDING AND REPLACING RESOLUTION 22-019, PLACING THE MONTEREY ROAD LANE REDUCTION MEASURE ON THE NOVEMBER 8, 2022 BALLOT

RECOMMENDATION(S)

Adopt resolution rescinding and replacing resolution 22-019, placing the Monterey Road Lane Reduction Measure on the November 3, 2022 ballot.

Estimated Time:

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Preserving and Cultivating Public Trust

REPORT NARRATIVE:

On March 2, 2022, the City Council adopted resolution 22-019, placing the Monterey Road Lane Reduction Measure on the November 3, 2022 Ballot. On June 28, 2022, the City Clerk staff was notified by the Santa Clara County Registrar of Voters (ROV) that per their 2022 elections guidelines which they provided to clerks throughout the county on April 15, 2022, they require that the resolution include language in each resolution placing a measure on the ballot to request the ROV conduct the election and to consolidate the election with the state-wide election. This is in addition to the separate resolution that the City Council adopted on April 6, 2022, for those specific requests. The attached resolution will rescind and replace resolution 22-019 and includes the requested language.

COMMUNITY ENGAGEMENT:

This report serves to inform the community of the changes made to resolution 22-019.

ALTERNATIVE ACTIONS:

Not Applicable.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On March 2, 2022, the City Council adopted resolution 22-019, placing the Monterey

Road Lane Reduction Measure on the November 3, 2022 Ballot.

FISCAL AND RESOURCE IMPACT:

There is no additional fiscal or resource impact associated with this staff report. The estimated cost of placing the measure on the November 8, 2022 ballot is \$66,673.

CEQA (California Environmental Quality Act):

Not a project.

The calling of a municipal election is not a project, as defined in Section 15378 of the State CEQA guidelines.

RESOLUTION NO. 22-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, RESCINDING AND REPLACING RESOLUTION 22-019, SUBMITTING TO THE VOTERS OF THE CITY AN INITIATIVE ORDINANCE AMENDING THE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF ANY FUTURE MONTEREY ROAD LANE REDUCTION

WHEREAS, pursuant to authority provided by Division 9, Chapter 3, Article 1 (commencing at §9200) of the Elections Code of the State of California, a petition has been filed with the City Council of the City of Morgan Hill signed by more than ten percent (10%) of the registered voters of the City, according to the Santa Clara County Registrar of Voters last official report of registration to the Secretary of State, to submit a proposed ordinance to the voters amending the City's General Plan to require voter approval of any future Monterey Road lane reduction; and

WHEREAS, the City Clerk, though the Santa Clara County Registrar of Voters, has examined the records of voter registration and ascertained that, pursuant to California Elections Code section 9215, the petition was signed by the requisite number of voters and has so certified; and

WHEREAS, the Santa Clara County Registrar of Voters (ROV) required revisions to Resolution 22-019 originally adopted by City Council on March 2, 2022; and

WHEREAS, this resolution rescinds and replaces Resolution 22-019 adopted on March 2, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Election. The City Council hereby orders, pursuant to Section 9222 of the Elections Code, that the Initiative Petition ordinance amending the General Plan to require voter approval of any future Monterey Road Lane reduction be submitted to the voters at the 8th day of November 2022 General Municipal Election.

Section 3. Ballot Question. The question submitted under Section 3 of this Resolution shall appear on the ballot as follows:

Shall the measure amending the City’s General Plan to require voter approval of any future Monterey Road lane reduction be adopted?	YES	
	NO	

Section 4. Approval. Pursuant to Article XIII C of the Constitution, this measure requires approval by a majority (50% plus 1) of those casting ballots on the measure.

Section 5. Consolidation. Pursuant to Section 10400 et seq. of the Elections Code, the Board of Supervisors of Santa Clara County (Board of Supervisors) is requested to consolidate the election with other elections held on the same day in the same territory or in the territory that is in part the same.

Section 6. Canvass. The Board of Supervisors is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

Section 7. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the Santa Clara County Registrar of Voter’s Office to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 8. Filing with County. The City Clerk shall file a certified copy of this resolution with the Board of Supervisors.

Section 9. Analysis and Argument. The City Council authorizes all members of the City Council to file written Argument (s) In Favor of or Against the measure described in Section 3 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk, after which no arguments for or against the ballot measure may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one Argument is submitted for the measure or more than one Argument against the measure, the City Clerk shall select the Argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

Section 10. In accordance with Elections Code section 9280, the entire text of the measure referenced in Section 3 above shall not be placed in the voter information sample ballot and; instead, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: “The above statement is an impartial analysis of the Ordinance of The City of Morgan Hill, California Amending the General Plan to Require Voter Approval of Any

Future Lane Reduction on Monterey Road. If you desire a copy of the measure, please visit <http://www.morgan-hill.ca.gov>, email the City Clerk at clerk@morganhill.ca.gov, or call the City Clerk at (408)779-7271, and a copy will be mailed or emailed at no cost to you.”

Section 11. The primary arguments for and against the measure shall be submitted to the City Clerk by five o’clock p.m. on the 16th day of August 2022 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the Argument. The arguments shall be accompanied by the Form of Statement To Be Filed By the Author(s) of Argument to be provided by the City Clerk.

Section 9. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an Argument in Favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in Favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure, may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than ten (10) days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the Argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct Argument which it seeks to rebut.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o’clock p.m. on the 23rd day of August 2022 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

Section 10. Effective Date. This resolution shall be effective immediately upon adoption.

Section 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 3rd day of August 2022 by the following vote:

AYES:	COUNCIL MEMBERS:	
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

∞ **CERTIFICATION** ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.22-____ adopted by the City Council at the meeting held on the 3rd day of August 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: August 3, 2022

PREPARED BY:

Yat Cho, Senior Project Manager

APPROVED BY: City Manager

APPROVE ON-CALL TRANSPORTATION/TRAFFIC ENGINEERING SERVICES FOR FY22-23 AND FY23-24

RECOMMENDATION(S)

Approve and authorize the City Manager to execute and administer an agreement with TL Engineering in the amount of \$340,000, with a \$102,000 contingency, for a total contract amount not to exceed \$442,000 to provide On-Call Transportation/Traffic Engineering Services for various Capital Improvement Program Projects and On-Call Engineering Plan Review and Technical Support Services for Land Development Engineering.

Estimated Time:

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

Maintaining and Enhancing Infrastructure

2022-2023 Strategic Priorities

Transportation

Guiding Documents

Bikeways, Trails, and Recreation Master Plan

Storm Drain Master Plan

Water System Master Plan

Wastewater System Master Plan

REPORT NARRATIVE:

On June 15, 2022, the City Council adopted the FY2022-23 through FY2027-28 Capital Improvement Program (CIP) and Operating Budget for the City. As the Engineering Division staffing levels are limited, it is necessary to secure on-call Transportation/Traffic Engineering Services to meet the demands for both CIP and Land Development Projects.

On May 3, 2022, staff sent out a Request for Qualification (RFQ) through publicpurchase.com and various builders' exchanges for on-call Transportation/Traffic Engineering Services for both CIP and Land Development Teams. Additionally, the RFQ was posted on the City's website for any potential firms that may be interested in submitting a proposal.

Four proposals were received by May 26, 2022. The qualifications received were scored based on the overall proposal, qualification and experience, and understanding of the service needed and approach necessary for the CIP and Land Development teams. A four-member evaluation panel rated each of the firms and the average overall scores are as tallied below:

TL Engineering	94.50
Hexagon Transportation Consultants, Inc.	94.25
Traffic Patterns, LLC	89.75
Sandis Civil Engineers Surveyors Planners	78.50

Of the respective proposals, TL Engineering demonstrated the best fit and qualification for this RFQ. TL Engineering has provided quality services previously to the City of Morgan Hill and staff recommends the approval of this agreement for on-call transportation/traffic engineering services for both CIP and Land Development teams (see Attachment 1 - TL Engineering Agreement).

COMMUNITY ENGAGEMENT:

Inform

This staff report serves to inform the community of the approval of the on-call transportation/traffic engineering services agreement to TL Engineering.

Engineering services of this nature are specialized and required for CIP Projects and review of new developments. The Request for Qualifications (RFQ) for this agreement was posted on publicpurchase.com, various builders' exchanges and the City's website.

ALTERNATIVE ACTIONS:

Alternatively, City Council may elect to not approve the agreement and have staff solicit new consultant proposals. This may delay the review/approval of both CIP projects and land development projects.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

June 15, 2022 - The City Council adopted the FY 2022-23 AND 2023-24 Operating Budget and the FY 2022-23 through 2027-28 Capital Improvement Program Budget.

FISCAL AND RESOURCE IMPACT:

The funding for the agreement for on-call Transportation/Traffic Engineering services will be from various capital improvement projects included in the adopted Capital Improvement Program and within the operating budget of the Land Development Engineering Division of the Community Development Fund 206. Services that will be rendered by the consultants within this area will be paid for by development fees.

CEQA (California Environmental Quality Act):

Not a project.

Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment are exempted from environmental review under Section 15061(b)(3) of the State CEQA Guidelines. The agreements are covered by the general rule that CEQA applies only to projects which have potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Any individual projects in the CIP shall be individually reviewed under CEQA.

CONSULTANT AGREEMENT FOR DESIGN PROFESSIONALS TL ENGINEERING

THIS AGREEMENT is entered into and becomes effective on _____ (Effective Date), by and between the CITY OF MORGAN HILL, a municipal corporation, ("CITY"), and TL ENGINEERING a California corporation ("CONSULTANT") hereinafter referred to collectively as "Parties." In consideration of the promises and the mutual covenants contained in this Agreement, the Parties agree as follows:

1. **City Authority.** This Agreement is entered into pursuant to the action of the Morgan Hill City Council taken on _____, _____, 20____.

2. **Term of Agreement.** This Agreement shall cover services rendered from the Effective Date of this Agreement until June 30, 2024, at which time CONSULTANT'S services shall be completed. The City Manager is authorized to extend the term of this Agreement for a maximum period of two years. Any such extension shall be in writing and signed by both Parties to this Agreement.

3. **Scope of Service.** The services to be performed by CONSULTANT shall be a) On-Call Transportation/Traffic Engineering Services related to Capital Improvement Program (CIP); b) On-Call Transportation/Traffic Engineering Services Related to Land Development Projects as further described in Exhibit A.

4. **Compensation.** CONSULTANT shall be compensated as follows:

4.1. **Amount.** \$340,000.00. Total compensation to CONSULTANT under this Agreement during its initial term set forth in Section 2 above shall not exceed Three Hundred Forty-Thousand Dollars, except as provided in Section 4.1.1 "Additional Compensation", and shall be billed based on the rate and basis set forth in Exhibits B. If the City Manager extends the term of this Agreement for up to two years pursuant to the provisions of Section 2 above, the City Manager shall have the authority to increase the maximum compensation allowed to be paid to CONSULTANT during that extended term period, so long as City Council has appropriated sufficient funds therefor, the Parties mutually agree to such amount in a writing signed by both Parties to this Agreement and provided further that in no event shall such maximum compensation allowed for the extended term exceed 105% of the maximum compensation for two years of service during the initial term of this Agreement, notwithstanding the Additional Compensation set forth in Section 4.1.1 below.

4.1.1. **Additional Compensation.** Additional compensation during the initial term of this Agreement that exceeds the compensation amount listed in Section 4.1 of this Agreement may be approved by the City Manager through a written amendment so long as City Council has appropriated sufficient funds therefor. The City Manager shall have the authority to approve additional compensation in an amount not to exceed thirty percent (30%) of the total compensation amount listed in Section 4.1 of this Agreement, for a combined total maximum compensation amount of \$442,000.

4.2. **Billing.** CONSULTANT shall provide CITY with an invoice containing the dated, detailed, and itemized descriptions of all services performed and expenses

incurred (if such expenses are reimbursable pursuant to Exhibit B) by CONSULTANT on a monthly basis unless otherwise specified in Exhibit B. All invoices shall be sent to the CITY addressed to the department head or project manager identified below in Section 13 Notices. Any rate charged shall be prorated where services are interrupted or not provided for any rate period (for example, any monthly rate charge should be prorated when services were interrupted or provided for only part of the month). For services billed on an hourly rate, the minimum unit of billed time shall not exceed one tenth of one hour. CITY shall pay for services and expenses (if so, provided in Exhibit B) up to the limit of compensation set forth above, that in the CITY'S judgment were necessary and reasonable. Services for work performed and expenses incurred in excess of the total compensation set forth in paragraph 4.1 above shall be at no cost to CITY.

5. **Termination.** CITY or CONSULTANT shall have the right to terminate this Agreement, without cause, by giving thirty (30) days' written notice or less under urgent circumstances. Upon such termination, CONSULTANT shall submit to CITY an itemized statement of services performed for which compensation has not been paid. CITY may require CONSULTANT to complete certain work product or documents and CONSULTANT shall deliver to CITY all documents in its possession without additional compensation to CONSULTANT. The City Manager of CITY is authorized to terminate this Agreement, in whole or in part, on behalf of CITY.

5.1. **Non-Appropriations.** Notwithstanding anything contained in this Agreement to the contrary, if insufficient funds are appropriated, or funds are otherwise unavailable in the budget for CITY for any reason whatsoever in any fiscal year, for payments due under this Agreement, CITY will immediately notify CONSULTANT of such occurrence, and this Agreement shall terminate after the last day during the fiscal year for which appropriations shall have been budgeted for CITY or are otherwise available for payments.

6. **Performance of Work.** CONSULTANT represents that it is qualified by virtue of experience, training, education, and expertise to accomplish these services. Services shall be performed by CONSULTANT in accordance with professional practices in a manner consistent with a level of care, competence and skill exercised by qualified members of the CONSULTANT'S profession. By delivery of completed work, CONSULTANT certifies that the work conforms to the requirements of this Agreement and all applicable federal, state, and local laws. CONSULTANT shall perform all work and services under this Agreement in conformance with the time schedule set forth on Exhibit C, "Schedule of Performance," attached hereto and incorporated herein by this reference. CITY'S City Manager is authorized on behalf of CITY to modify the timeframes set forth on the Schedule of Performance within the term of this Agreement. If CONSULTANT desires to leave or store any of CONSULTANT'S equipment at a CITY site while CONSULTANT is performing work or service pursuant to this Agreement, CONSULTANT will first obtain the consent of CITY'S City Manager, or his/her delegate, to do so, and any such storage shall occur only in the manner and location allowed by such CITY official and entirely at CONSULTANT'S sole risk.

7. **Insurance Requirements.** CONSULTANT shall procure and provide proof of the insurance coverage required by this section in the form of certificates and endorsements. The required insurance must cover the activities of CONSULTANT, including its subcontractors, employees, and agents, relating to, or arising from, the performance of any work or service under this Agreement, and must remain in full force and effect at all times during the period covered by this Agreement. The coverages may be arranged under a single policy for the full limits required or by a combination of underlying policies with the balance provided by excess or "umbrella"

policies, provided each such policy complies with the requirements set forth herein. Any deductibles or self-insured retentions must be declared to and approved by City. CONSULTANT further understands that the CITY reserves the right to modify the insurance requirements set forth herein, with thirty (30) days' notice provided to CONSULTANT, at any time as deemed necessary to protect the interests of the CITY.

7.1. Insurance Types and Amounts.

- 7.1.1. Commercial General Liability (CGL). CONSULTANT shall maintain CGL against claims and liabilities for personal injury, death, or property damage providing protection in the minimum amount of: (i) one million dollars (\$1,000,000.00) combined single limit for any one accident or occurrence, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT'S combined insurance policies (including any excess or "umbrella" policies), whichever is greater.
- 7.1.2. Automobile Liability. CONSULTANT shall maintain Automobile Liability covering all owned, non-owned and hired automobiles (if CONSULTANT does not own automobiles, then CONSULTANT shall maintain Hired/Non-owned Automobile Liability) against claims and liabilities for personal injury, death, or property damage providing protection in the minimum amount of: (i) one million dollars (\$1,000,000.00) combined single limit for any one accident or occurrence, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT'S combined insurance policies (including any excess or "umbrella" policies), whichever is greater.
- 7.1.3. Workers' Compensation Insurance and Employer's Liability. CONSULTANT shall maintain Workers Compensation coverage, as required by law, in the minimum amount of: (i) one million dollars (\$1,000,000.00) for any one accident or occurrence, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT'S combined insurance policies (including any excess or "umbrella" policies), whichever is greater. If CONSULTANT is self-insured, CONSULTANT shall provide its Certificate of Permission to Self-Insure, duly authorized by the Department of Industrial Relations.
- 7.1.4. Pollution (Environmental) Liability. If the performance of CONSULTANT'S work or service under this Agreement involves hazardous materials, contaminated soil disposal, and/or a risk of accidental release of fuel oil, chemicals or other toxic gases or hazardous materials, CONSULTANT shall procure and maintain Pollution Liability covering the CONSULTANT'S liability for bodily injury, property damage and environmental damage resulting from pollution and related cleanup costs arising out of the work or services to be performed under this Agreement. Coverage shall be provided for both work performed on site, as well as during the transport of hazardous materials. Such coverage shall be in the minimum amount of: (i) one million dollars (\$1,000,000.00) for any one accident or occurrence, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT'S combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

7.1.5. Professional Liability.

7.1.5.1. If the performance of CONSULTANT'S work or service under this Agreement involves professional and/or technical services (examples include, but are not limited to, architects, engineers, land surveyors, and appraisers), CONSULTANT shall procure and maintain either a claims made or occurrence Errors and Omission liability insurance in the minimum amount of: (i) one million dollars (\$1,000,000.00) each claim, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT'S combined insurance policies (including any excess or "umbrella" policies), whichever is greater. Further, if CONSULTANT maintains a claims-made policy, CONSULTANT shall provide written evidence of such insurance to the CITY for at least five (5) years after the completion of work performed under this Agreement.

7.1.5.2. If the performance of CONSULTANT'S work or service under this Agreement relates to Information Technology or related services (examples include, but are not limited to computer programmers, software designers, hardware engineers, or other systems consultants), CONSULTANT shall procure and maintain a claims made Errors and Omission liability insurance, including Cyber Liability and Data Breach, in the minimum amount of: (i) one million dollars (\$1,000,000.00) each claim, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT'S combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

7.1.6. Sexual Abuse/Molestation Liability (SML): If the performance of CONSULTANT'S work or service under this Agreement involves contact with minors, CONSULTANT shall procure and maintain Sexual Abuse and Molestation insurance in the minimum amount of: (i) two hundred thousand dollars (\$200,000.00) each claim, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT'S combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

7.2. Endorsements. CONSULTANT shall provide proof of the following endorsements, listed for each policy for which endorsements are required, as outlined below:

7.2.1. General Liability and pollution liability (when pollution liability applies).

7.2.1.1. "Additionally Insured" - The City of Morgan Hill, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers are named as additional insureds on a form at least as broad as ISO Form CG 20 10 for ongoing operations.

7.2.1.2. "Waiver of Rights of Subrogation" - The insurer waives the right of subrogation against the City of Morgan Hill and CITY'S elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers; and

7.2.1.3. "Primary and Non-Contributing" - Insurance shall be endorsed to be primary and non-contributory and will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as ISO Form CG 20 01.

7.2.2. Workers Compensation.

If the performance of CONSULTANT'S work or service under this Agreement involves access to or activity on any property or premises owned or occupied by the CITY, including, but not limited to, CONSULTANT'S presence during site visits and meetings, then insurer waives the right of subrogation against the City of Morgan Hill and the CITY'S elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers.

7.3. **Qualification of Insurers.** All insurance required pursuant to this Agreement must be issued by a company licensed and admitted, or otherwise legally authorized to carry out insurance business in the State of California, and each insurer must have a current A.M. Best's financial strength rating of "A" or better and a financial size rating of "VII" or better.

7.4. **Certificates.** CONSULTANT shall furnish CITY of Morgan Hill with copies of all certificates as outlined herein, whether new or modified, promptly upon receipt. In the event of a claim or legal action, CONSULTANT shall promptly furnish CITY of Morgan Hill with copies of all policies outlined herein. No policy subject to the CONSULTANT'S agreement with the CITY shall be canceled or materially changed except after thirty (30) days' notice by the insurer to CITY. A "material change" is a change that results in non-compliance with any insurance requirements in this section 7. Certificates, including renewal certificates, may be mailed electronically to riskmgmt@morganhill.ca.gov or delivered to the Certificate Holder address provided herein.

Certificate Holder address:

City of Morgan Hill
Attn: Risk Management
17575 Peak Avenue
Morgan Hill, CA 95037

8. **Non-Liability of Officials and Employees of the CITY.** No official or employee of CITY shall be personally liable for any default or liability under this Agreement.

9. **Compliance with Law.**

9.1. CONSULTANT and its officers, employees, agents, and subcontractors shall comply with all applicable laws, ordinances, administrative regulations, and permitting requirements in carrying out their obligations under this Agreement. CONSULTANT and its officers, employees, agents, and subcontractors covenant there shall be no discrimination based upon race, color, creed, religion, gender, marital status, age, sexual orientation, national origin, mental disability, physical disability, medical condition, or ancestry, in any activity pursuant to this Agreement.

- 9.2. Compliance with Wage and Hour Laws: Consultant, and any subcontractor it employs to complete work under this Agreement, shall comply with all applicable federal, state, and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act and the California Labor Code.

Final Judgments, Decisions, and Orders: For purposes of this Section, a “final judgment, decision, or order” refers to one for which all appeals have been exhausted or the time to appeal has expired. Relevant investigatory government agencies include: the federal Department of Labor, the California Division of Labor Standards Enforcement, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

Prior Judgments against CONSULTANT and/or its Subcontractors: BY SIGNING THIS AGREEMENT, CONSULTANT AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY FINDING – IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT – THAT CONSULTANT OR ITS SUBCONTRACTOR(S) HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONSULTANT FURTHER AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) HAS SATISFIED AND COMPLIED WITH – OR HAS REACHED AGREEMENT WITH THE CITY REGARDING THE MANNER IN WHICH IT WILL SATISFY – ANY SUCH JUDGMENTS, DECISIONS OR ORDERS.

Judgments or Decisions During Term of Contract: If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that CONSULTANT or an subcontractor it employs to perform work under this Agreement has violated any applicable wage and hour law, or CONSULTANT learns of such a judgment, decision, or order that was not previously disclosed, CONSULTANT shall inform the City Attorney, no more than fifteen (15) days after the judgment, decision or order becomes final or of learning of the final judgment, decision, or order. CONSULTANT and its subcontractors shall promptly satisfy and comply with any such judgment, decision, or order, and shall provide the City Attorney with documentary evidence of compliance with the final judgment, decision, or order within five (5) days of satisfying the final judgment, decision, or order. The City reserves the right to require CONSULTANT to enter into an agreement with the City regarding the manner in which any such final judgment, decision, or order will be satisfied.

City’s Right to Withhold Payment: Where CONSULTANT or any subcontractor it employs to perform work under this Agreement has been found in violation of any applicable wage and hour law by a final judgment, decision or order of a court or government agency, the City reserves the right to withhold payment to CONSULTANT until such judgment, decision or order has been satisfied in full.

Material Breach: Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

Notice to City Related to Wage Theft Prevention: Notice provided to the City Attorney as required under this Section shall be addressed to: City Attorney, City of Morgan Hill, 17575 Peak Avenue, Morgan Hill, CA 95037. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

10. **Independent Contractor**. CONSULTANT is an independent contractor and not an agent or employee of CITY.

11. **Confidentiality**. All data, documents, or other information received by CONSULTANT from CITY or prepared in connection with CONSULTANT'S services under this Agreement are deemed confidential and shall not be disclosed to any third party by CONSULTANT without prior written consent by CITY.

12. **Conflict of Interest and Reporting**. CONSULTANT shall at all times avoid conflict of interest or appearance of conflict of interest in performance of this Agreement.

13. **Notices**. All notices shall be personally delivered or mailed, via first class mail to the below listed address. These addresses shall be used for delivery of service of process. Notices shall be effective five (5) days after date of mailing, or upon date of personal delivery.

Address of CONSULTANT is as follows:

TL ENGINEERING
Attn: Leo Trujillo
314 Colville Dr.
San Jose, CA 95123

Address of CITY is as follows:

Yat Cho, Senior Project Manager <u>and</u> Maria Angeles Senior Civil Engineer City of Morgan Hill 17575 Peak Avenue Morgan Hill, CA 95037	with a copy to: City Clerk City of Morgan Hill 17575 Peak Avenue Morgan Hill, CA 95037
---	--

14. **Licenses, Permits and Fees**. CONSULTANT shall obtain a City of Morgan Hill Business License, all permits and licenses to the extent required by ordinances, codes, and regulations of the federal, state, and local government.

15. **Consultant's Proposal**. If applicable, this Agreement shall include CONSULTANT'S proposal or bid which is incorporated herein. In the event of any inconsistency between the terms of the proposal and this Agreement, this Agreement shall govern.

16. **Maintenance of Records**.

16.1. **Maintenance**. CONSULTANT shall prepare, maintain, and preserve all reports and records that may be required by federal, state, and CITY rules and ordinances related to services provided under this Agreement. CONSULTANT shall maintain

records for a period of at least 3 years after receipt of final payment under this Agreement. If any litigation, claim, negotiation, audit exception, or other action relating to this Agreement is pending at the end of the 3-year period, then CONSULTANT shall retain said records until such action is resolved.

16.2. **Access to and Audit of Records.** The CITY shall have the right to examine, monitor and audit all records, documents, conditions, and activities of the CONSULTANT and its subcontractors related to services under this Agreement. Pursuant to Government Code Section 8546.7, if this Agreement involves the expenditure of public funds in excess of \$10,000, the Parties to this Agreement may be subject, at the request of the CITY or as part of any audit of the CITY, to the examination and audit of the State Auditor pertaining to matters connected with the performance of this Agreement for a period of three years after final payment under the Agreement.

16.3. **Ownership of Work Product.** All documents or other information developed or received by CONSULTANT for work performed under this Agreement shall be the property of CITY. CONSULTANT shall provide CITY with copies of these items upon demand or upon termination of this Agreement.

17. **Familiarity with Work.** By executing this Agreement, CONSULTANT represents that: (1) it has investigated the work to be performed; (2) it has investigated the site of the work and is aware of all conditions there; and (3) it understands the difficulties and restrictions of the work under this Agreement. Should CONSULTANT discover any conditions materially differing from those inherent in the work or as represented by CITY, it shall immediately inform CITY and shall not proceed, except at CONSULTANT'S risk, until written instructions are received from CITY.

18. **Time of Essence.** Time is of the essence in the performance of this Agreement.

19. **No Assignment.** Neither this Agreement nor any portion shall be assigned by CONSULTANT, without prior written consent of CITY. Any attempted assignment not first approved by CITY shall be void and, at CITY'S option, shall terminate this Agreement effective as of the date of such attempted assignment.

20. **Attorney Fees.** In any legal action, dispute or arbitration arising out of or relating to this Agreement, the prevailing party shall be entitled to an award of its reasonable attorney fees, costs and expenses incurred.

21. **Defense and Indemnification.**

21.1. **Defense and Indemnification for Design Professional Services.** Consistent with California Civil Code Section 2782.8, for design professional services to be performed under this agreement by a design professional, as that term is defined under said Section 2782.8, CONSULTANT shall, to the fullest extent permitted by law, indemnify, defend and hold harmless CITY, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers ("INDEMNITEES") from and against any and all claims, liabilities, expenses, liens, or damages of any nature, including liability for bodily injury, property damage or personal injury, and including reasonable attorneys' fees and expenses, that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of CONSULTANT, and/or its agents, officers, employees, subcontractors, or independent contractors

in performance of work hereunder or its failure to comply with any of its obligations contained in this Agreement ("CLAIM") to the extent of CONSULTANT'S proportionate percentage of fault.

- 21.2. Defense and Indemnification for Non-Design Professional Services. For all services performed under this agreement not covered by Section 21.1 above, CONSULTANT shall, to the fullest extent permitted by law, indemnify, defend and hold harmless CITY, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers ("INDEMNITEES") from and against any and all claims, liabilities, expenses, liens, or damages of any nature, including liability for bodily injury, property damage or personal injury, and including reasonable attorneys' fees and expenses, that arise out of, pertain to, or relate to the performance of this Agreement or the failure to comply with any obligations contained in this Agreement by CONSULTANT, and/or its agents, officers, employees, subcontractors, or independent contractors ("CLAIM").
- 21.3. Exceptions. CONSULTANT is not required to indemnify INDEMNITEES against liability for bodily injury, property damage or personal injury, or any other loss, damage or expense arising from the sole negligence, active negligence, or willful misconduct of the CITY.
- 21.4. Not limited by insurance. The indemnity, defense and hold harmless provisions of this Agreement apply to all CLAIMS alleged against an INDEMNITEE, regardless of whether any insurance policies are applicable. Policy limits do not act as a limitation upon the amount of indemnification or defense to be provided by CONSULTANT.
- 21.5. Right to Offset. CITY shall have the right to offset against any compensation due CONSULTANT under this Agreement any amount due CITY from CONSULTANT as a result of CONSULTANT'S failure to pay CITY promptly any indemnification arising under this Section (21) and any amount due CITY from CONSULTANT arising from CONSULTANT'S failure either to (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 21.6. Interpretation. This Section shall constitute an agreement or contract of indemnity, incorporating the interpretations under California Civil Code Section 2778. It is expressly understood and agreed that the obligation of the CONSULTANT to indemnify the INDEMNITEE shall be as broad and inclusive as permitted by the laws of the State of California and shall survive termination of this Agreement.
22. Entire Agreement; Modification; Conflicting Provisions. This Agreement constitutes the entire Agreement between the Parties and supersedes any previous agreements, oral or written. This Agreement may be modified, or provisions waived, only by a subsequent mutual written agreement executed by CITY and CONSULTANT. If the provisions contained in the main body of this Agreement conflict with any provision contained in an exhibit to this Agreement, the provisions of the main body of this Agreement shall govern and control over any provision contained in an exhibit to this Agreement.
23. Governing Law and Venue. This Agreement shall be construed in accordance with the laws of the State of California. This Agreement was entered into and is to be performed in the

County of Santa Clara. Any action or dispute arising out of this Agreement shall only be brought in Santa Clara County.

24. **Interpretation.** This Agreement is a negotiated document and shall be deemed to have been drafted jointly by the Parties, and no rule of construction or interpretation shall apply against any particular Party based on a contention that the Agreement was drafted by one of the Parties including, but not limited to, California Civil Code § 1654, the provisions of which are hereby waived. This Agreement shall be construed and interpreted in a neutral manner.

25. **Preservation of Agreement.** If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the rest of the Agreement shall remain in full force and effect and shall in no way be affected or invalidated.

26. **Binding Agreement.** Notwithstanding the provisions of Section 19 above, this Agreement shall bind any and all successors in interest, legal representatives and/or other permitted assignees or transferees of CONSULTANT in the same manner as if those successors in interest, legal representatives or other permitted assignees or transferees had entered into this Agreement originally.

27. ☒ **Data Sharing.** This Agreement requires access by CONSULTANT to CITY'S Geographic Information System (GIS) DATA for CONSULTANT to perform the work. CITY agrees to provide the GIS DATA to CONSULTANT solely for the purpose of performance of contracted work with the CITY upon the terms and conditions specified in Exhibit D, incorporated herein by this reference.

28. **Electronic Signatures.** Unless otherwise prohibited by law or CITY policy, the Parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term "electronic copy of a signed contract" refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term "electronically signed contract" means a contract that is executed by applying an electronic signature using technology approved by the CITY.

[Signatures on Next Page]

29. **Authority to Execute.** Those individuals who are signing this Agreement on behalf of entities represent and warrant that they are, respectively, duly authorized to sign on behalf of the entities and to bind the entities fully to each and all of the obligations set forth in this Agreement.

IN WITNESS THEREOF, these Parties have executed this Agreement on the day and year shown below.

AS SET FORTH IN CA. CORP. CODE § 313, TWO SIGNATURES ARE REQUIRED FOR CALIFORNIA CORPORATIONS:

- (1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; AND
(2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER, OR ASSISTANT TREASURER.

ATTEST:

CITY OF MORGAN HILL

City Clerk/Deputy City Clerk

City Manager

Michelle Bigelow

Christina J. Turner

Print Name

Print Name

Date: _____

Date: _____

APPROVED AS TO FORM:

TL ENGINEERING

City Attorney


By:

Donald A. Larkin

Leopoldo Trujillo, President

Print Name

Print Name and Title of Signer.
If Corporate: Chairman, President or Vice President

Date: _____

Date: 7/20/2022


By:

Celina Lee, Secretary

Print Name and Title of Signer.
If Corporate: Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer

Date: 7/20/2022

EXHIBIT A

SCOPE OF SERVICE

Under the direct supervision of the Capital Improvement and Land Development Engineering staff, the selected firms will provide services for one or both service categories within a two-year period (Fiscal Years 2022-23 and FY 2023-24). Contracts may be extended. The following are the service categories and the types of tasks that may be asked of the successful firms:

On-Call Transportation/Traffic Engineering Services Related to CIP Projects

1. Design and Review of Capital Improvement Project Plans and Specifications for consistency with City's transportation policies and programs, traffic impact study guidelines, and with transportation best practices. This involves the review of roadway design, traffic signals, roadside safety features, signage and striping, and related features and activities.
2. Perform other miscellaneous traffic engineering services as needed.

On-Call Transportation/Traffic Engineering Services Related to Land Development Projects

1. Review of development proposals for consistency with City's transportation policies and programs, traffic impact study guidelines, and with transportation best practices. This involves the review of roadway design, traffic signals, roadside safety features, signage and striping, and related features and activities.
2. Train City staff in specific transportation planning areas as requested.
3. Perform other miscellaneous traffic engineering services as needed.

Consultant services will be on an as-needed, on-call basis. Due to the as-needed nature of the work, no work is guaranteed on a contract, even if awarded. The scope of work will vary and will be requested on a task order basis as the need arises. Task orders may be in the form of a written or verbal request. The Consultant is responsible for acknowledging receipt of requests within two (2) working days. Task orders may vary significantly in size and scope and will be determined in greater detail as each task order is assigned. The City will assign a Project Engineer who will coordinate and work with each Consultant and will issue the task orders. The City's Project Engineer will discuss the scope of services with each selected Consultant prior to issuing a task order. The Consultant will be responsible for preparing a detailed scope and fee estimate for each task order. The City may accept the Consultant's scope and fee or negotiate with the Consultant, as appropriate. The City reserves the right to not accept the Consultant's scope and fee.

EXHIBIT B

SCHEDULE OF COMPENSATION RATES

Principal Engineer	\$220
Senior Engineer	\$190
Associate Engineer	\$170
All other expenses, including	Actual Cost plus
15%	
Delivery Service	
Outside Reproduction	
Mileage – Auto	
Outside Consultants	
Travel & Expenses	
Filing or Permit Fees	
Hard copies of plans (to be obtained from printing business)	

EXHIBIT C

SCHEDULE OF PERFORMANCE

CONSULTANT'S services will be on an as needed, on-call basis for the two service types a) (On-Call Transportation/Traffic Engineering Services related to Capital Improvement Program (CIP); b) On-Call Transportation/Traffic Engineering Services Related to Land Development Projects)

**EXHIBIT D
THIRD PARTY DATA USE
AGREEMENT**

1. CONSULTANT agrees that it shall not use any information provided by CITY for any purpose other than for PROJECT without the prior express written consent of CITY. CONSULTANT also hereby acknowledges that the data delivered by CITY is for use by CONSULTANT only and is not to be released to any other party by any means whatsoever, including the Internet, without prior written consent of CITY. CONSULTANT shall provide written notice to CITY of any subcontractor with whom Geographic Information System data (GIS DATA) is shared for purposes of completing the PROJECT.
2. All data and files are intended for the use within the ordinary course of users' business and may not be sold, placed on the internet, or otherwise provided to other parties. All data shall comply with all statutes such as California State Law, Government Code section 6254.21 which prohibits any state or local agency from posting the home address or telephone number of any "elected or appointed official," residing spouse, or child on the internet, and Revenue and Taxation Code sections 408, 408.1, 408.3, and 409 permitting the County Assessor to collect fees for certain information.
3. CITY, as rightful owners, shall retain all rights, title, interest, and copyright of the data. Any products using the GIS DATA must give credit to CITY as the source of the information. Any and all derivative products of the GIS DATA are owned by CITY and may not be used for any purpose other than the PROJECT without prior written permission of CITY. All derivative products and resulting data shall be provided to CITY Project Manager and CITY GIS Manager at the completion of the PROJECT.
4. CONSULTANT and CITY understand and agree that the information provided pursuant to this Agreement is the product of professional services paid for by CITY and shall remain property of CITY. CONSULTANT may retain copies, including copies stored on magnetic media, only for information and reference, in connection with CONSULTANT'S use for PROJECT.
5. All of the above terms and conditions apply to any subcontractor retained by CONSULTANT.
6. In the event of a conflict between the terms and provisions of this Third-Party Data Use Agreement and the terms and provisions of the SERVICE AGREEMENT, the terms of the SERVICE AGREEMENT shall govern and control.

CITY COUNCIL STAFF REPORT

MEETING DATE: August 3, 2022

PREPARED BY:

Chris Ghione, Public Services Director

APPROVED BY: City Manager

APPROVE UTILITY BOX ART AT JOHN WILSON WAY AND MONTEREY ROAD

RECOMMENDATION(S)

1. Approve the installation of utility box art by Rehat Sra on the City-owned traffic signal control box located at the northwest corner of the intersection of John Wilson Way and Monterey Road; and
2. Authorize the City Manager to enter and administer the necessary agreements to complete the project.

Estimated Time: NA

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Supporting our Youth, Seniors, and Entire Community

Enhancing Diversity and Inclusiveness

REPORT NARRATIVE:

Ten City owned traffic signal utility boxes were painted by artists through a project by Leadership Morgan Hill in 2018. Following the initial program by Leadership Morgan Hill, the Library, Culture and Arts Commission (LCAC) developed a program to pair sponsors with local artists to continue painting additional utility boxes within the City.

The Commission has identified another artist/sponsor to paint another utility box. Youth artist Rehat Sra has proposed painting an additional traffic signal utility box. Rehat has taken the initiative to propose this artwork ((Attachment 1) and also initially proposed the associated inspirational phrase "You can choose to be Sweet or Poisonous". Sponsorship of the project will be taken on by Rehat's parents. After discussion at multiple LCAC meetings, Commissioners and the artist recommend the inspirational phrase be changed to "There's so mushroom for humanity". The LCAC is further recommending the installation of the artwork at the City-owned utility box located at the northwest corner of the intersection of John Wilson Way and Monterey Road.

COMMUNITY ENGAGEMENT:

Empower

The program has been primarily managed by the volunteers on the Commission and the project was brought forward by a local artist who identified a sponsor for the work.

ALTERNATIVE ACTIONS:

The City Council could choose not to approve the project, provide for direction on changes to the artwork, or provide other alternate direction to staff and the Commission.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The Library, Culture and Arts Commission has recommended approval of the artwork. The City Council previously approved artwork for the initial Utility Box Art Program on July 25, 2018. More recently, the Council approved artwork on the utility box art at Butterfield Boulevard and East Dunne Avenue on April 21, 2021 and at East Dunne Avenue and Murphy Avenue on December 15, 2021.

FISCAL AND RESOURCE IMPACT:

The project will be funded by a donation from the Sra Family. This will include payment to the artist and funding of the anti-graffiti coating over the artwork. The implementation of a utility box art program is in the approved Library, Culture and Arts Commission Work Plan, with planned support from Community Services Department staff.

CEQA (California Environmental Quality Act):

Categorical Exemption

The planned maintenance and management of City facilities falls within the CEQA categorical exemption of Class 1, Existing Facilities.



Morgan Hill 'Art & Inspiration' Utility Box Art Program - Phase 2 Artist Application

Thank you for your interest in the Morgan Hill Art & Inspiration Phase 2 project. Please submit this completed application, artwork description, sample pdf/jpeg of artist previously finished work and a color rendering of the proposed artwork on the attached design template. All artists must submit a signed release of liability.

Submit Completed Materials by Email to: ArtInspirationMH@gmail.com

Artist Information

Artist Name: Rehat Sra

Address: _____

City: Morgan hill State: CA Zip Code: 95037

Email (Required): _____

Phone: _____

Website (If available): _____

Artist Biography (Up to 150 words)

I'm 13 years old, and currently in the 8th grade at Martin Murphy Middle School. I have been practicing art for over 5 years and primarily like to paint and use colored pencils. My favorite medium overall would be acrylic, I think it is because I have been using it for the longest time and am comfortable with it. I mostly like to draw animals, Landscapes, and portraits. I enjoy painting on larger canvases and I have always wanted to paint a Utility box. I like to experiment with different color schemes, the colors of a Painting can change the whole message and I enjoy trying out different ways to use color. I mainly Paint realistically, and I have been trying to incorporate more surrealism into my style.

Artwork Description:

Inspirational message:

You can choose to be Sweet or Poisonous

Description of artwork interpreting the message:

This artwork has a multitude of things going on, there are mushrooms that the frogs are sitting on.

The message is supposed to be hinting at the mushrooms and how even though they are poisonous

The mushrooms are helping the frogs that are sitting on them. The reason that the art is very busy

Is because I wanted it to be like its own universe with many things going on. All of the creatures

Despite their differences are existing peacefully due to the fact that they are not being rude to one another.

It has a very vibrant color scheme because it's meant to be an uplifting piece and the colors reinforce the positive message.

Box Location Preference (Mark 1 as the highest, 6 as the lowest)

- 4 Monterey Rd & Old Monterey Rd (near the old fire station)
- 3 Monterey Rd & Wright Ave
- 5 Monterey Rd & Madrone Pkwy
- 6 Monterey Rd & Spring Ave
- 1 Butterfield Blvd Avenue & Dunne (near Frank's Plumbing)
- 2 Butterfield Blvd & Diana Ave (near the courthouse)

Additional Documents:

The following documents should be included and attached in PDF format.

1. Box Template with Artwork Design (Required)
2. PDF of images of prior artwork by artist

Agreement to terms of Artist Agreements:

I understand that if selected that prior to commencing work on the Utility Box Art Program I will be required to sign and execute the City of Morgan Hill Artist Agreement. I further understand that during the selection and review process the materials I have submitted will be made public through the review process.



Artist Signature

4/25/2022

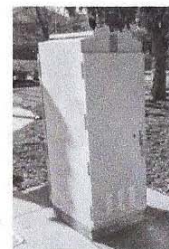
Date

Proposed Design Template

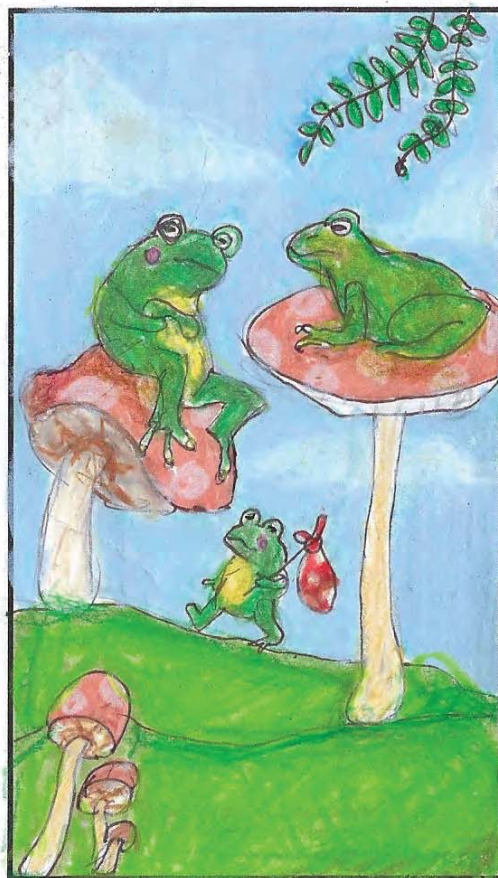
Actual utility boxes vary in size, shape and have various vents, seams, doors and handles. Be prepared to adjust art work to fit a unique utility box.

Size: Main - 33" x 24" (width) x 64" (height) 2.5" base (approx, for designing purposes. Measure actual boxes individually.)

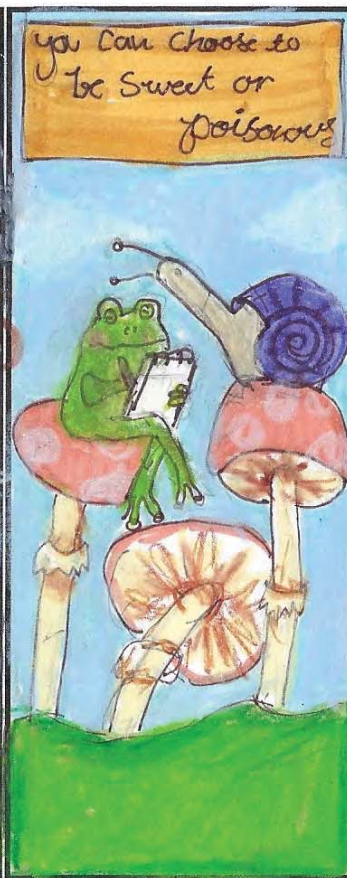
TOP



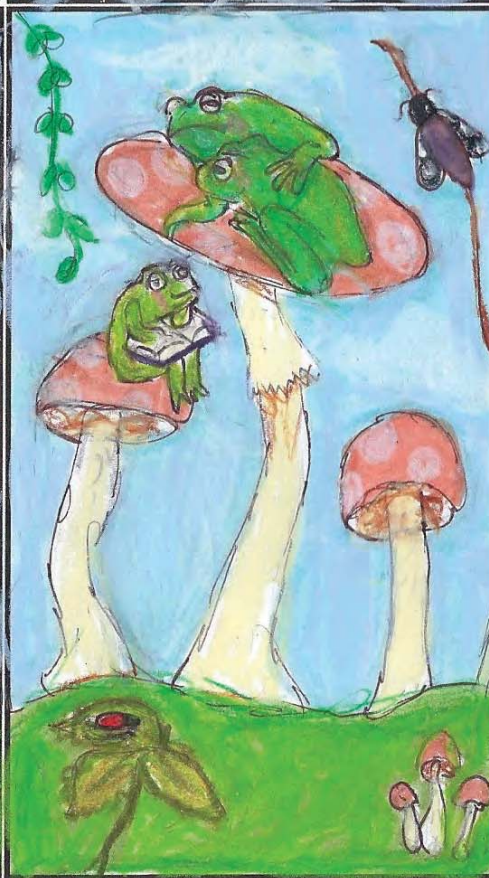
Example of Main Box
in Morgan Hill



BACK



SIDE



FRONT



SIDE

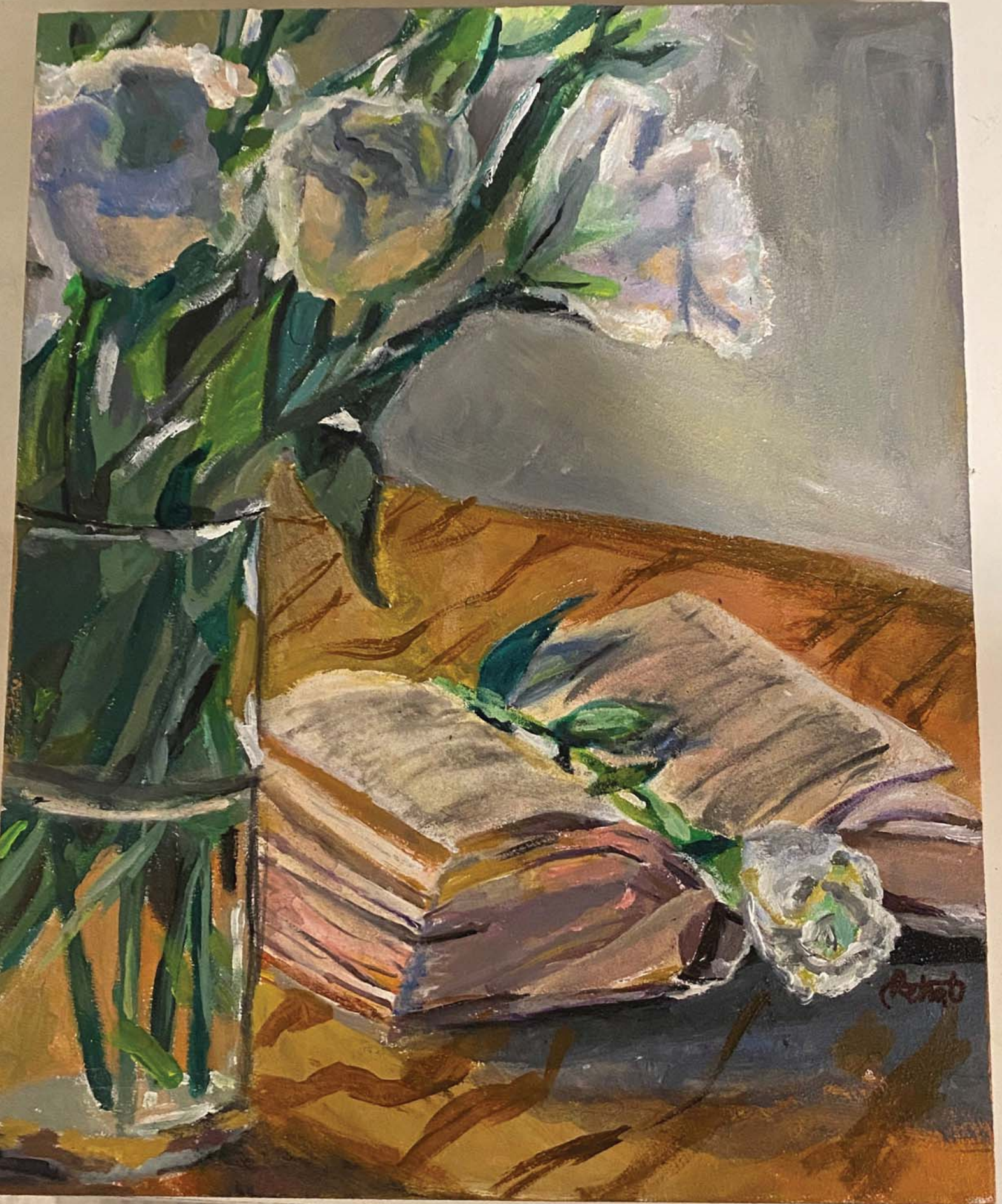


[Signature]



[Signature]







City Council

Meeting Minutes

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

Wednesday, June 15, 2022 6:30 PM

Virtual Meeting

Link to join the meeting can be found below

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 6:30 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

6:30 p.m. Closed Session

CALL TO ORDER

Mayor Constantine called the City Council meeting to order at 6:30 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

PRESENT	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
----------------	---

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 6:31 p.m. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:31 p.m.

Conference with Legal Counsel - Existing Litigation

Authority: Pursuant to CA Govt. Code Section 54656.9(a).

Case Name: Rios v. City of Morgan Hill

Case Numbers: Workers' Compensation Claim No: MHL2100014

REGULAR MEETING

City Attorney Donald Larkin announced that there was no reportable action from the closed session.

PROCLAMATIONS

Mayor Constantine announced the proclamations.

Proclaiming June 19, 2022, as Juneteenth

Proclaiming Thursday, June 23, 2022 as the 50th Anniversary of Title IX of the Education Amendments of 1972

Proclaiming the week of June 12-18, 2022 as Flag Week

PRESENTATIONS

City Manager Christina Turner announced that there would be no YAC Presentation tonight, as they are on summer break. She read the three different assets, #7, 25, and 33 - Community Values Youth, Reading for Pleasure, and Interpersonal Competence.

CITY COUNCIL REPORTS

Council Member Spring announced that he was back from vacation visiting his family in Switzerland. He highlighted a couple of items. June is Pride Month. Every year we celebrate Pride Month in Morgan Hill and raise the flag. It sends a signal to our LGBTQ+ community that everyone is welcome in our City and that we are an open and inclusive City. He mentioned that the suicide and homelessness rate within our young LGBTQ+ people is among the highest in that segment of our youth. It is important to provide safe spaces for our young people and remind them that they are loved for who they are.

He announced that he will have his last meeting tomorrow as Commissioner of the Veterans Commission of Santa Clara County, and will not be seeking another term.

Over the last few years, he has been able to get more services for our veterans in South County. He wished a great recovery to Renee at GVA Coffee who had an accident. They are huge supporters of our community and the LGBTQ+ community.

CITY MANAGER'S REPORT

City Manager Christina Turner provided a few updates:

Chamber of Commerce Podcasts

The City has partnered with the Chamber of Commerce in their series of podcasts called Quick 5. The first podcast was with herself sharing about the budget. The second was with Housing Director Rebecca Garcia and City Clerk/Public Information Officer Michelle Bigelow where they discussed the current and future state of housing in Morgan Hill. Go to the Chamber's Facebook page and subscribe to hear them all. Their goal is to do them weekly.

Upcoming Meetings

Valley Water is hosting a meeting on June 22nd at the Community and Cultural Center. This is a public meeting on the Anderson Dam Seismic Retrofit Project. They will be able to provide project updates and information on how the construction is going. This can also be watched virtually. The link to the meeting is on the City's website.

There is a Town Hall meeting next Thursday, June 23rd at 5:30 p.m. The topic is our Housing Element. We are in the process of updating our Housing Element. We have released a draft for public review and comment on our Housing Element page. We are accepting comments through July 5th.

City Teammate Recognitions

Turner introduced and welcomed our new teammates, congratulated our promoted teammates, and recognized and thanked our retiring teammates for their outstanding service to the City of Morgan Hill.

Teammate Recognitions Presentation

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

None.

PUBLIC COMMENT

Public comment opened at 7:21 p.m. The following people were called to speak:

Michael Burchfield

Monica Guynn

Marian Sacco

There being no further requests to speak, public comment closed.

ADOPTION OF AGENDA

MOTION:

Adopt the agenda removing item 10 from the consent calendar to be brought back at a later date.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Council Member McKay
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

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

MOTION:

Approving consent calendar items 1 through 9 and 11 through 16.

RESULT:	Passed
MOVER:	Mayor Pro Tem Borgioli
SECONDER:	Council Member Spring
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

1. APPROVE LEADERSHIP MORGAN HILL GATEWAY SIGN ART PROPOSAL

Recommendation:

Approve the proposed art for newly proposed gateway signs in Morgan Hill.

2. **APPROVE ARTISTS FOR MORGAN HILL MAGICAL BRIDGE**

Recommendation:

1. Approve the selection of artist Taylor Gallegos for development and installation of artwork on the restroom at the Morgan Hill Magical Bridge Playground;
2. Approve the selection of artist Lina Velasquez for development and installation of artwork on the utility boxes at the Morgan Hill Magical Bridge Playground;
3. Authorize the City Manager to execute and administer artist agreements for the artwork; and
4. Authorize the sub-committee of the Library, Culture and Arts Commission to work with the artists to finalize the proposed artwork to be installed.

3. **APPROVE A REIMBURSEMENT AGREEMENT WITH RAHMATOLLAH AHMADI FOR THE UNDERGROUNDING OF OVERHEAD UTILITIES ALONG CORY LANE**

Recommendation:

1. Approve a Reimbursement Agreement with Rahmatollah Ahmadi; and
2. Authorize the City Manager to execute the Reimbursement Agreement.

4. **APPROVE CONSULTANT AGREEMENT WITH HOUSEKEYS, INC FOR BELOW MARKET RATE (BMR) ADMINISTRATION SERVICES**

Recommendation:

1. Approve Consultant Agreement for BMR services through June 30, 2024, for an additional \$550,000 each year, totaling \$1,100,000 from July 1, 2022– June 30, 2024; and
2. Authorize the City Manager to execute and administer the contract.

5. **APPROVE AGREEMENT WITH SECURE SOLUTIONS INC. FOR BACKGROUND INVESTIGATION SERVICES**

Recommendation:

Approve agreement and authorize City Manager to execute and administer the agreement with Secure Solutions Inc. for an amount not to exceed \$200,000 to conduct hiring background investigations of Police Department and Information Technology personnel.

6. **APPROVE A THREE-YEAR SMALL GOVERNMENT ENTERPRISE AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC (ESRI) FOR GIS SOFTWARE LICENSING FOR A TOTAL AMOUNT OF \$115,500**

Recommendation:

Approve and authorize the City Manager to execute a three-year Small Government Enterprise Agreement with Environmental Systems Research Institute, Inc. (Esri) for GIS software licensing for a total amount of \$115,500.

7. **APPROVE A THREE-YEAR COLLISION REPAIR SERVICE AGREEMENT WITH ADVANCED AUTO BODY FOR AN AMOUNT NOT TO EXCEED \$173,400**

Recommendation:

Authorize the City Manager to execute and administer the Service Agreement with Advanced Auto Body for an amount not to exceed \$173,400 for a period of three years. Advanced Auto Body will furnish collision repair services for the Police Department, Engineering, Utilities, and Community Services' vehicle fleets.

8. **APPROVE A THREE-YEAR AGREEMENT WITH THE COUNTY OF SANTA CLARA (SAN MARTIN ANIMAL SHELTER) FOR ANIMAL SERVICES**

Recommendation:

Approve agreement and authorize the City Manager to execute and administer the agreement with the County of Santa Clara (San Martin Animal Shelter) for animal services in the amount of \$104,365.65.

9. **APPROVE A TEN-YEAR AGREEMENT WITH AXON FOR VARIOUS POLICE DEPARTMENT EQUIPMENT AND RELATED SERVICES IN THE AMOUNT OF \$1,710,607**

Recommendation:

1. Approve a 10-year agreement with Axon for the Officer Safety Plan 7 (OSP7) and Fleet 3; and
2. Authorize the City Manager to execute and amend, when necessary, a 10-year agreement with Axon for the Officer Safety Plan 7 and Fleet 3.

11. **APPROVE SOLID WASTE FRANCHISE EXTENSION**

Recommendation:

Authorize the City Manager to execute a two-month extension of the franchise agreement with Recology South Valley.

12. APPROVE CHANGE ORDER FOR \$561,050 FOR INCREASED BATTERY STORAGE FOR CENTENNIAL RECREATION CENTER (CRC) BATTERY STORAGE PROJECT

Recommendation:

Authorize a change order to increase funding for the CRC Battery storage project by \$561,050, for a total of \$1,061,050, to increase the battery storage capacity above what was previously awarded.

13. APPROVE THE JUNE 1, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the June 1, 2022, City Council Meeting Minutes.

14. AUTHORIZE THE CITY MANAGER TO EXECUTE AND AMEND, WHEN NECESSARY, A NETWORK ARCHITECTURE AND REFRESH PROJECT WITH CADENCE TEAM SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY IN THE AMOUNT OF \$482,294, INCLUDING A CONTINGENCY OF \$43,845

Recommendation:

Authorize the City Manager to execute and amend, when necessary, a network architecture and refresh project with Cadence Team subject to approval as to form by the City Attorney in the amount of \$482,294, including a contingency of \$43,845.

15. AWARD OUTDOOR PEST CONTROL SERVICE AGREEMENT TO ANIMAL DAMAGE MANAGEMENT, INC. FOR A TOTAL OF \$90,960

Recommendation:

1. Award a two-year agreement to Animal Damage Management, Inc. in the amount of \$90,960; and
2. Authorize the City Manager to execute and administer the Service Agreement with Animal Damage Management, Inc.

16. RECEIVE MONTHLY BUDGET UPDATE, AND APRIL 2022 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

ITEMS PULLED FROM THE AGENDA

10. APPROVE AGREEMENT FOR EXCLUSIVE RIGHT TO NEGOTIATE FOR CITY OWNED AGRICULTURAL LAND

Recommendation:

Authorize the City Manager to develop, execute, and administer an exclusive right to negotiate with ABC Tree Farms, LLC. for the potential lease of City-owned agricultural land and work with ABC Tree Farms to include LBJ Farms as a potential operator of a farm stand on the site.

Item 10 was pulled from the agenda and will be brought back at a future meeting.

PUBLIC HEARINGS

Budget Manager Monica Delgado provided the report and presentation.

The public hearing opened at 7:47 p.m. The following people were called to speak:

Nick Gaich

Joe Baranowski

There being no further requests to speak, the public hearing closed.

17. ADOPT THE FISCAL YEAR (FY) 2022-23 AND 2023-24 OPERATING BUDGET, FY 2022-23 AND 2027-28 CAPITAL IMPROVEMENT PROGRAM BUDGET, FY 2022-23 APPROPRIATIONS LIMIT, ADOPT THE REVISED SALARY SCHEDULES FOR POLICE OFFICERS ASSOCIATION (POA), COMMUNITY SERVICE OFFICERS ASSOCIATION (CSOA), AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), AND MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES EFFECTIVE JUNE 26, 2022, AND ADOPT THE ELECTED AND COUNCIL APPOINTED SALARY SCHEDULE EFFECTIVE JULY 1, 2021

Recommendation:

1. Open/Close Public Hearing;
2. Adopt resolution to:
 - a. Adopt the FY 2022-23 and 2023-24 Operating Budget;
 - b. Adopt the FY 2022-23 through 2027-28 Capital Improvement Program Budget; and
 - c. Adopt the 2022-23 Appropriations Limit and Appropriations Limit Adjustment Factors;
3. Approve the FY 2022-23 Community Funding recommendations;
4. Adopt the revised salary schedules for POA, CSOA, AFSCME, and Management, Professional, and Confidential Employees effective June 26, 2022; and
5. Adopt the Elected and Council Appointed Salary Schedule effective July 1, 2021.

MOTION:

Approve staff recommendation to adopt the FY 2022-23 and 2023-24 Operating Budget, FY 2022-23 through 2027-28 Capital Improvement Program Budget, FY 2022-23 Appropriations Limit and Adjustment Factors, Community Funding Recommendations and the revised salary schedules.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Council Member Spring
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

OTHER BUSINESS

18. PROVIDE DIRECTION REGARDING DOWNTOWN LANE REDUCTION IMPLEMENTATION

Recommendation:

Receive update on Downtown Lane Reduction project and Butterfield Lane optimization and provide direction.

Public Services Director Chris Ghione provided a presentation and report.

The meeting recessed at 8:18 p.m. and reconvened at 8:30 p.m.

Public comment opened at 9:00 p.m. The following people were called to speak:

Armando Benavides

Nick Gaich

Bob Benevento

Steve Tate

There being no further requests to speak, public comment closed.

Original motion by Council Member Spring directing staff to continue to investigate implementing other traffic calming measures to improve vehicle-pedestrian and bicycle safety through Downtown and not to move forward with the lane reduction.

Substitute motion by Council Member McKay directing staff to come back with proposed language and put a measure on the ballot in two years to finalize this discussion with our community. Motion dies due to a lack of second.

MOTION:

Approving the recommended action and directing staff to continue to investigate implementing other traffic calming measures to improve vehicle-pedestrian and bicycle safety through Downtown and not to move forward with the lane reduction.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Council Member Martinez Beltran
AYES:	Mayor Constantine, Council Member Spring, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	Mayor Pro Tem Gino Borgioli
ABSENT:	None

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member McKay requested a speed study to reduce the speed limit through Downtown to 15 MPH.

Mayor Pro Tem Borgioli requested wordsmithing of Vision Zero.

Council Member Martinez Beltran requested a workshop on civility and behavior.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 9:35 p.m.

MINUTES PREPARED BY:

Kim Mancera, Deputy City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: August 3, 2022

PREPARED BY:

Michael Horta, Human Resources Director

APPROVED BY: City Manager

APPROVE THE REVISED AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) SALARY SCHEDULES

RECOMMENDATION(S)

Approve the revised American Federation of State, County, and Municipal Employees (AFSCME) salary schedules.

Estimated Time:

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Fostering a Positive Organizational Culture

Preserving and Cultivating Public Trust

2022-2023 Strategic Priorities

Fiscal Sustainability

REPORT NARRATIVE:

On April 20, 2022, the City Council approved the second amendment to the Gilroy Staff Services Agreement. The City of Morgan Hill and City of Gilroy have agreed to each pay 50 percent of a full-time benefited Environmental Services Technician. The recommended salary range (Attachment 1) is aligned with the Council's approved employee compensation guiding principles. The contract has been signed and the salary range must be approved on the salary schedule prior to commencing the recruitment.

COMMUNITY ENGAGEMENT:

Inform

The Human Resources Team will post the approved American Federation of State, County, and Municipal Employees (AFSCME) salary schedules on the Human Resources website page, as is the City's practice for all salary information.

ALTERNATIVE ACTIONS:

Amend the recommended Environmental Services Technician salary range. This alternative is not recommended as the proposed salary range has been included as the approved cost in the signed agreement.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On April 20, 2022, the City Council approved the second amendment to the Gilroy Staff Services Agreement.

On June 15, 2022, the City Council approved the current American Federation of State, County, and Municipal Employees (AFSCME) salary schedules.

FISCAL AND RESOURCE IMPACT:

The financial impact of the Environmental Services Technician was discussed and approved at the April 20, 2022 City Council meeting.

CEQA (California Environmental Quality Act):

Not a Project - Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

CITY OF MORGAN HILL AFSCME LOCAL 101 MONTHLY SALARY FOR REGULAR EMPLOYEES BY CLASSIFICATION

Effective 8.3.22									Monthly figures are rounded to the nearest \$1.00			
Position	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly	F Monthly	F Hourly
Accountant I	\$ 7,623	\$ 43.98	\$ 8,004	\$ 46.18	\$ 8,404	\$ 48.49	\$ 8,824	\$ 50.91	\$ 9,266	\$ 53.46	\$ 9,730	\$ 56.13
Accounting Asst. I	5,313	30.65	5,578	32.18	5,857	33.79	6,150	35.48	6,457	37.25	6,780	39.12
Accounting Asst. II	5,559	32.07	5,836	33.67	6,128	35.35	6,434	37.12	6,755	38.97	7,093	40.92
Accounting Technician	6,864	39.60	7,208	41.58	7,568	43.66	7,946	45.84	8,344	48.14	8,761	50.54
Assistant Planner	7,623	43.98	8,004	46.18	8,404	48.49	8,824	50.91	9,266	53.46	9,730	56.13
Assistant Engineer	8,469	48.86	8,893	51.31	9,338	53.87	9,804	56.56	10,294	59.39	10,810	62.36
Associate Planner	8,206	47.34	8,617	49.71	9,047	52.19	9,499	54.80	9,974	57.54	10,473	60.42
Associate Engineer	9,838	56.76	10,330	59.60	10,846	62.57	11,389	65.71	11,958	68.99	12,556	72.44
Business Assistant	5,842	33.70	6,135	35.39	6,441	37.16	6,763	39.02	7,102	40.97	7,457	43.02
Building Inspector II	8,510	49.10	8,934	51.54	9,381	54.12	9,850	56.83	10,343	59.67	10,860	62.65
Building Inspector Supervisor	10,011	57.75	10,511	60.64	11,037	63.67	11,589	66.86	12,168	70.20	12,776	73.71
Code Compliance Officer	7,708	44.47	8,093	46.69	8,498	49.03	8,923	51.48	9,370	54.05	9,838	56.76
Communication and Engagement Coordinator	7,817	45.10	8,208	47.35	8,619	49.73	9,050	52.21	9,503	54.82	9,978	57.56
Community Services Coordinator	6,415	37.01	6,736	38.86	7,073	40.81	7,427	42.85	7,798	44.99	8,189	47.24
Council Services Assistant	5,804	33.48	6,093	35.15	6,399	36.92	6,719	38.76	7,055	40.70	7,407	42.73
Custodian	3,884	22.41	4,078	23.53	4,282	24.71	4,497	25.94	4,722	27.24	4,958	28.61
Deputy City Clerk	6,732	38.84	7,069	40.78	7,422	42.82	7,793	44.96	8,183	47.21	8,593	49.57
Development Services Technician	6,732	38.84	7,069	40.78	7,422	42.82	7,793	44.96	8,183	47.21	8,593	49.57
Electrician	8,019	46.26	8,420	48.58	8,842	51.01	9,283	53.56	9,748	56.24	10,236	59.05
Engineering Technician I	5,952	34.34	6,249	36.05	6,561	37.85	6,890	39.75	7,234	41.73	7,595	43.82
Engineering Technician II	6,581	37.97	6,910	39.87	7,256	41.86	7,618	43.95	7,999	46.15	8,400	48.46
Environmental Programs Coordinator	7,623	43.98	8,004	46.18	8,404	48.49	8,824	50.91	9,266	53.46	9,730	56.13
Environmental Services Technician	5,952	34.34	6,249	36.05	6,561	37.85	6,890	39.75	7,234	41.73	7,595	43.82
Exec. Asst. to the Chief of Police	5,952	34.34	6,249	36.05	6,561	37.85	6,890	39.75	7,234	41.73	7,595	43.82
Facilities Maintenance Specialist	6,415	37.01	6,736	38.86	7,073	40.81	7,427	42.85	7,798	44.99	8,189	47.24
Housing Program Coordinator	8,206	47.34	8,617	49.71	9,047	52.19	9,499	54.80	9,974	57.54	10,473	60.42
Information Services Technician	7,623	43.98	8,004	46.18	8,404	48.49	8,824	50.91	9,266	53.46	9,730	56.13
Junior Engineer	7,623	43.98	8,004	46.18	8,404	48.49	8,824	50.91	9,266	53.46	9,730	56.13
Maintenance Worker I	5,275	30.43	5,539	31.96	5,816	33.55	6,106	35.23	6,411	36.99	6,731	38.83
Maintenance Worker II	5,820	33.58	6,112	35.26	6,417	37.02	6,738	38.87	7,075	40.82	7,429	42.86
Maintenance Worker III	6,402	36.93	6,722	38.78	7,058	40.72	7,411	42.76	7,782	44.89	8,171	47.14
Maintenance Supervisor	8,454	48.77	8,876	51.21	9,320	53.77	9,786	56.46	10,275	59.28	10,789	62.24
Management Analyst	7,817	45.10	8,208	47.35	8,619	49.73	9,050	52.21	9,503	54.82	9,978	57.56
Multimedia Coordinator	5,842	33.70	6,135	35.39	6,441	37.16	6,763	39.02	7,102	40.97	7,457	43.02
Municipal Services Assistant	5,559	32.07	5,836	33.67	6,128	35.35	6,434	37.12	6,755	38.97	7,093	40.92
Office Assistant I	4,009	23.13	4,210	24.29	4,420	25.50	4,642	26.78	4,873	28.12	5,117	29.52
Office Assistant II	5,040	29.08	5,292	30.53	5,557	32.06	5,835	33.66	6,127	35.35	6,433	37.11
Plan Check Engineer	10,011	57.75	10,511	60.64	11,037	63.67	11,589	66.86	12,168	70.20	12,776	73.71
Plans Examiner	8,510	49.10	8,934	51.54	9,381	54.12	9,850	56.83	10,343	59.67	10,860	62.65
Police Analyst	8,620	49.73	9,052	52.22	9,504	54.83	9,979	57.57	10,478	60.45	11,002	63.47
Public Works Inspection Supervisor	10,011	57.75	10,511	60.64	11,037	63.67	11,589	66.86	12,168	70.20	12,776	73.71
Public Works Inspector	8,019	46.26	8,419	48.57	8,840	51.00	9,282	53.55	9,746	56.23	10,233	59.04
Recreation Services Coordinator	6,415	37.01	6,736	38.86	7,073	40.81	7,427	42.85	7,798	44.99	8,189	47.24
Senior Accountant	8,385	48.38	8,804	50.79	9,244	53.33	9,707	56.00	10,192	58.80	10,702	61.74
Senior Information Services Technician	8,195	47.28	8,604	49.64	9,035	52.12	9,486	54.73	9,961	57.47	10,459	60.34
Senior Maintenance Worker	7,057	40.71	7,409	42.75	7,780	44.88	8,169	47.13	8,577	49.48	9,006	51.96
Senior Public Works Inspector	8,620	49.73	9,052	52.22	9,504	54.83	9,979	57.57	10,478	60.45	11,002	63.47
Senior Recreation Services Coordinator	6,736	38.86	7,073	40.80	7,426	42.84	7,797	44.99	8,187	47.23	8,597	49.60
Senior Utility Worker	7,057	40.71	7,409	42.75	7,780	44.88	8,169	47.13	8,577	49.48	9,006	51.96
Support Services Supervisor	7,605	43.87	7,984	46.06	8,384	48.37	8,803	50.78	9,243	53.33	9,706	55.99
Unhoused Specialist	6,415	37.01	6,736	38.86	7,073	40.81	7,427	42.85	7,798	44.99	8,189	47.24

Utility Worker I	5,275	30.43	5,539	31.96	5,816	33.55	6,106	35.23	6,411	36.99	6,731	38.83
Utility Worker II	5,820	33.58	6,112	35.26	6,417	37.02	6,738	38.87	7,075	40.82	7,429	42.86
Utility Worker III	6,402	36.93	6,722	38.78	7,058	40.72	7,411	42.76	7,782	44.89	8,171	47.14
Utility Supervisor	8,593	49.57	9,022	52.05	9,473	54.65	9,947	57.38	10,443	60.25	10,966	63.26
Water Quality Specialist	7,086	40.88	7,440	42.93	7,812	45.07	8,202	47.32	8,612	49.69	9,042	52.17

CITY OF MORGAN HILL AFSCME LOCAL 101 MONTHLY SALARY FOR REGULAR EMPLOYEES BY CLASSIFICATION

CPI under 2% Increase is 2%

Monthly figures are rounded to the nearest \$1.00

Effective 12/25/2022 (2% increase)												
Position	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly	F Monthly	F Hourly
Accountant I	\$ 7,775	\$ 44.86	\$ 8,164	\$ 47.10	\$ 8,572	\$ 49.46	\$ 9,001	\$ 51.93	\$ 9,451	\$ 54.53	\$ 9,924	\$ 57.26
Accounting Asst. I	5,419	31.26	5,690	32.83	5,974	34.47	6,273	36.19	6,586	38.00	6,916	39.90
Accounting Asst. II	5,670	32.71	5,953	34.34	6,250	36.06	6,563	37.86	6,890	39.75	7,235	41.74
Accounting Technician	7,002	40.39	7,352	42.41	7,719	44.54	8,105	46.76	8,511	49.10	8,936	51.56
Assistant Planner	7,775	44.86	8,164	47.10	8,572	49.46	9,001	51.93	9,451	54.53	9,924	57.26
Assistant Engineer	8,638	49.83	9,071	52.33	9,525	54.95	10,000	57.69	10,500	60.58	11,026	63.61
Associate Planner	8,370	48.29	8,789	50.71	9,228	53.24	9,689	55.90	10,174	58.69	10,683	61.63
Associate Engineer	10,034	57.89	10,536	60.79	11,063	63.83	11,617	67.02	12,197	70.37	12,807	73.89
Business Assistant	5,959	34.38	6,257	36.10	6,570	37.90	6,899	39.80	7,244	41.79	7,606	43.88
Building Inspector II	8,680	50.08	9,113	52.58	9,568	55.20	10,047	57.96	10,549	60.86	11,077	63.91
Building Inspector Supervisor	10,211	58.91	10,721	61.85	11,257	64.95	11,820	68.19	12,412	71.60	13,032	75.18
Code Compliance Officer	7,862	45.36	8,255	47.63	8,668	50.01	9,102	52.51	9,557	55.14	10,034	57.89
Communication and Engagement Coordinator	7,973	46.00	8,372	48.30	8,791	50.72	9,231	53.26	9,693	55.92	10,177	58.71
Community Services Coordinator	6,543	37.75	6,871	39.64	7,215	41.62	7,575	43.70	7,954	45.89	8,352	48.19
Council Services Assistant	5,920	34.15	6,215	35.86	6,527	37.65	6,853	39.54	7,196	41.51	7,555	43.59
Custodian	3,962	22.86	4,160	24.00	4,368	25.20	4,587	26.46	4,816	27.79	5,058	29.18
Deputy City Clerk	6,867	39.62	7,210	41.60	7,571	43.68	7,949	45.86	8,347	48.15	8,765	50.56
Development Services Technician	6,867	39.62	7,210	41.60	7,571	43.68	7,949	45.86	8,347	48.15	8,765	50.56
Electrician	8,179	47.19	8,589	49.55	9,018	52.03	9,469	54.63	9,943	57.36	10,440	60.23
Engineering Technician I	6,071	35.03	6,374	36.77	6,693	38.61	7,027	40.54	7,378	42.57	7,747	44.70
Engineering Technician II	6,713	38.73	7,049	40.67	7,401	42.70	7,771	44.83	8,159	47.07	8,568	49.43
Environmental Programs Coordinator	7,775	44.86	8,164	47.10	8,572	49.46	9,001	51.93	9,451	54.53	9,924	57.26
Environmental Services Technician	6,071	35.03	6,374	36.77	6,693	38.61	7,027	40.54	7,378	42.57	7,747	44.70
Exec. Asst. to the Chief of Police	6,071	35.03	6,374	36.77	6,693	38.61	7,027	40.54	7,378	42.57	7,747	44.70
Facilities Maintenance Specialist	6,543	37.75	6,871	39.64	7,215	41.62	7,575	43.70	7,954	45.89	8,352	48.19
Housing Program Coordinator	8,370	48.29	8,789	50.71	9,228	53.24	9,689	55.90	10,174	58.69	10,683	61.63
Information Services Technician	7,775	44.86	8,164	47.10	8,572	49.46	9,001	51.93	9,451	54.53	9,924	57.26
Junior Engineer	7,775	44.86	8,164	47.10	8,572	49.46	9,001	51.93	9,451	54.53	9,924	57.26
Maintenance Worker I	5,381	31.04	5,650	32.59	5,932	34.22	6,228	35.93	6,539	37.73	6,866	39.61
Maintenance Worker II	5,937	34.25	6,234	35.96	6,545	37.76	6,873	39.65	7,217	41.64	7,578	43.72
Maintenance Worker III	6,530	37.67	6,857	39.56	7,199	41.54	7,559	43.61	7,937	45.79	8,334	48.08
Maintenance Supervisor	8,623	49.75	9,053	52.23	9,507	54.85	9,982	57.59	10,480	60.46	11,005	63.49
Management Analyst	7,973	46.00	8,372	48.30	8,791	50.72	9,231	53.26	9,693	55.92	10,177	58.71
Multimedia Coordinator	5,959	34.38	6,257	36.10	6,570	37.90	6,899	39.80	7,244	41.79	7,606	43.88
Municipal Services Assistant	5,670	32.71	5,953	34.34	6,250	36.06	6,563	37.86	6,890	39.75	7,235	41.74
Office Assistant I	4,090	23.59	4,294	24.77	4,509	26.01	4,735	27.31	4,971	28.68	5,219	30.11
Office Assistant II	5,141	29.66	5,398	31.14	5,668	32.70	5,952	34.34	6,249	36.05	6,562	37.86
Plan Check Engineer	10,211	58.91	10,721	61.85	11,257	64.95	11,820	68.19	12,412	71.60	13,032	75.18
Plans Examiner	8,680	50.08	9,113	52.58	9,568	55.20	10,047	57.96	10,549	60.86	11,077	63.91
Police Analyst	8,792	50.73	9,233	53.26	9,694	55.93	10,178	58.72	10,687	61.66	11,222	64.74
Public Works Inspection Supervisor	10,211	58.91	10,721	61.85	11,257	64.95	11,820	68.19	12,412	71.60	13,032	75.18
Public Works Inspector	8,179	47.19	8,588	49.54	9,017	52.02	9,468	54.62	9,941	57.35	10,438	60.22
Recreation Services Coordinator	6,543	37.75	6,871	39.64	7,215	41.62	7,575	43.70	7,954	45.89	8,352	48.19
Senior Accountant	8,553	49.34	8,980	51.81	9,429	54.40	9,901	57.12	10,396	59.98	10,916	62.98
Senior Information Services Technician	8,359	48.22	8,777	50.63	9,215	53.17	9,676	55.82	10,160	58.61	10,668	61.55
Senior Maintenance Worker	7,198	41.52	7,558	43.60	7,935	45.78	8,332	48.07	8,749	50.47	9,186	53.00
Senior Public Works Inspector	8,792	50.73	9,233	53.26	9,694	55.93	10,178	58.72	10,687	61.66	11,222	64.74
Senior Recreation Services Coordinator	6,871	39.64	7,214	41.62	7,575	43.70	7,953	45.88	8,351	48.18	8,769	50.59
Senior Utility Worker	7,198	41.52	7,558	43.60	7,935	45.78	8,332	48.07	8,749	50.47	9,186	53.00

Support Services Supervisor	7,757	44.75	8,144	46.98	8,551	49.33	8,979	51.80	9,428	54.39	9,900	57.11
Unhoused Specialist	6,543	37.75	6,871	39.64	7,215	41.62	7,575	43.70	7,954	45.89	8,352	48.19
Utility Worker I	5,381	31.04	5,650	32.59	5,932	34.22	6,228	35.93	6,539	37.73	6,866	39.61
Utility Worker II	5,937	34.25	6,234	35.96	6,545	37.76	6,873	39.65	7,217	41.64	7,578	43.72
Utility Worker III	6,530	37.67	6,857	39.56	7,199	41.54	7,559	43.61	7,937	45.79	8,334	48.08
Utility Supervisor	8,765	50.56	9,202	53.09	9,662	55.74	10,146	58.53	10,652	61.46	11,185	64.53
Water Quality Specialist	7,228	41.70	7,589	43.78	7,968	45.97	8,366	48.27	8,784	50.68	9,223	53.21

CITY OF MORGAN HILL AFSCME LOCAL 101 MONTHLY SALARY FOR REGULAR EMPLOYEES BY CLASSIFICATION

CPI more than 2% Increase is 2.5%

Monthly figures are rounded to the nearest \$1.00

Effective 12/25/2022 (2.50% increase)												
Position	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly	F Monthly	F Hourly
Accountant I	\$ 7,814	\$ 45.08	\$ 8,204	\$ 47.33	\$ 8,614	\$ 49.70	\$ 9,045	\$ 52.18	\$ 9,498	\$ 54.79	\$ 9,973	\$ 57.54
Accounting Asst. I	5,445	31.42	5,718	32.99	6,003	34.64	6,304	36.37	6,619	38.18	6,950	40.09
Accounting Asst. II	5,698	32.87	5,982	34.51	6,281	36.24	6,595	38.05	6,924	39.95	7,270	41.94
Accounting Technician	7,036	40.59	7,388	42.62	7,757	44.75	8,145	46.99	8,552	49.34	8,980	51.81
Assistant Planner	7,814	45.08	8,204	47.33	8,614	49.70	9,045	52.18	9,498	54.79	9,973	57.54
Assistant Engineer	8,680	50.08	9,116	52.59	9,572	55.22	10,049	57.98	10,552	60.88	11,080	63.92
Associate Planner	8,411	48.52	8,832	50.95	9,273	53.50	9,737	56.17	10,224	58.98	10,735	61.93
Associate Engineer	10,084	58.17	10,588	61.08	11,117	64.14	11,674	67.35	12,257	70.71	12,870	74.25
Business Assistant	5,988	34.55	6,288	36.28	6,602	38.09	6,933	40.00	7,279	42.00	7,643	44.09
Building Inspector II	8,723	50.32	9,158	52.83	9,615	55.47	10,096	58.25	10,601	61.16	11,131	64.22
Building Inspector Supervisor	10,261	59.20	10,774	62.16	11,313	65.26	11,878	68.53	12,472	71.96	13,096	75.55
Code Compliance Officer	7,901	45.58	8,296	47.86	8,711	50.26	9,146	52.77	9,604	55.41	10,084	58.17
Communication and Engagement Coordinator	8,012	46.22	8,413	48.54	8,835	50.97	9,277	53.52	9,740	56.19	10,227	59.00
Community Services Coordinator	6,575	37.93	6,904	39.83	7,250	41.83	7,612	43.92	7,993	46.12	8,393	48.42
Council Services Assistant	5,949	34.32	6,246	36.03	6,559	37.84	6,887	39.73	7,231	41.72	7,592	43.80
Custodian	3,982	22.97	4,180	24.12	4,390	25.32	4,610	26.59	4,840	27.92	5,082	29.32
Deputy City Clerk	6,901	39.81	7,245	41.80	7,608	43.89	7,988	46.08	8,388	48.39	8,807	50.81
Development Services Technician	6,901	39.81	7,245	41.80	7,608	43.89	7,988	46.08	8,388	48.39	8,807	50.81
Electrician	8,219	47.42	8,631	49.79	9,063	52.28	9,516	54.90	9,992	57.64	10,492	60.53
Engineering Technician I	6,101	35.20	6,406	36.95	6,725	38.80	7,062	40.74	7,415	42.78	7,785	44.91
Engineering Technician II	6,745	38.92	7,083	40.86	7,437	42.91	7,809	45.05	8,199	47.30	8,610	49.67
Environmental Programs Coordinator	7,814	45.08	8,204	47.33	8,614	49.70	9,045	52.18	9,498	54.79	9,973	57.54
Environmental Services Technician	6,101	35.20	6,406	36.95	6,725	38.80	7,062	40.74	7,415	42.78	7,785	44.91
Exec. Asst. to the Chief of Police	6,101	35.20	6,406	36.95	6,725	38.80	7,062	40.74	7,415	42.78	7,785	44.91
Facilities Maintenance Specialist	6,575	37.93	6,904	39.83	7,250	41.83	7,612	43.92	7,993	46.12	8,393	48.42
Housing Program Coordinator	8,411	48.52	8,832	50.95	9,273	53.50	9,737	56.17	10,224	58.98	10,735	61.93
Information Services Technician	7,814	45.08	8,204	47.33	8,614	49.70	9,045	52.18	9,498	54.79	9,973	57.54
Junior Engineer	7,814	45.08	8,204	47.33	8,614	49.70	9,045	52.18	9,498	54.79	9,973	57.54
Maintenance Worker I	5,407	31.19	5,677	32.75	5,961	34.39	6,258	36.11	6,571	37.91	6,900	39.80
Maintenance Worker II	5,966	34.42	6,265	36.14	6,577	37.95	6,907	39.85	7,252	41.84	7,615	43.93
Maintenance Worker III	6,562	37.86	6,890	39.75	7,235	41.74	7,596	43.83	7,976	46.02	8,375	48.32
Maintenance Supervisor	8,665	49.99	9,098	52.49	9,553	55.11	10,031	57.87	10,532	60.76	11,059	63.80
Management Analyst	8,012	46.22	8,413	48.54	8,835	50.97	9,277	53.52	9,740	56.19	10,227	59.00
Multimedia Coordinator	5,988	34.55	6,288	36.28	6,602	38.09	6,933	40.00	7,279	42.00	7,643	44.09
Municipal Services Assistant	5,698	32.87	5,982	34.51	6,281	36.24	6,595	38.05	6,924	39.95	7,270	41.94
Office Assistant I	4,110	23.71	4,315	24.90	4,531	26.14	4,758	27.45	4,995	28.82	5,245	30.26
Office Assistant II	5,166	29.80	5,425	31.30	5,696	32.86	5,981	34.51	6,280	36.23	6,594	38.04
Plan Check Engineer	10,261	59.20	10,774	62.16	11,313	65.26	11,878	68.53	12,472	71.96	13,096	75.55
Plans Examiner	8,723	50.32	9,158	52.83	9,615	55.47	10,096	58.25	10,601	61.16	11,131	64.22
Police Analyst	8,836	50.97	9,278	53.53	9,741	56.20	10,228	59.01	10,740	61.96	11,277	65.06
Public Works Inspection Supervisor	10,261	59.20	10,774	62.16	11,313	65.26	11,878	68.53	12,472	71.96	13,096	75.55
Public Works Inspector	8,219	47.42	8,630	49.79	9,061	52.28	9,514	54.89	9,989	57.63	10,489	60.51
Recreation Services Coordinator	6,575	37.93	6,904	39.83	7,250	41.83	7,612	43.92	7,993	46.12	8,393	48.42
Senior Accountant	8,595	49.58	9,024	52.06	9,476	54.67	9,949	57.40	10,447	60.27	10,970	63.29
Senior Information Services Technician	8,400	48.46	8,820	50.88	9,261	53.43	9,724	56.10	10,210	58.90	10,720	61.85
Senior Maintenance Worker	7,233	41.73	7,595	43.81	7,974	46.01	8,373	48.31	8,792	50.72	9,231	53.26
Senior Public Works Inspector	8,836	50.97	9,278	53.53	9,741	56.20	10,228	59.01	10,740	61.96	11,277	65.06
Senior Recreation Services Coordinator	6,904	39.83	7,249	41.82	7,612	43.91	7,992	46.11	8,392	48.42	8,812	50.84
Senior Utility Worker	7,233	41.73	7,595	43.81	7,974	46.01	8,373	48.31	8,792	50.72	9,231	53.26
Support Services Supervisor	7,795	44.97	8,184	47.21	8,593	49.58	9,023	52.05	9,474	54.66	9,948	57.39

Unhoused Specialist	6,575	37.93	6,904	39.83	7,250	41.83	7,612	43.92	7,993	46.12	8,393	48.42
Utility Worker I	5,407	31.19	5,677	32.75	5,961	34.39	6,258	36.11	6,571	37.91	6,900	39.80
Utility Worker II	5,966	34.42	6,265	36.14	6,577	37.95	6,907	39.85	7,252	41.84	7,615	43.93
Utility Worker III	6,562	37.86	6,890	39.75	7,235	41.74	7,596	43.83	7,976	46.02	8,375	48.32
Utility Supervisor	8,807	50.81	9,247	53.35	9,709	56.02	10,195	58.82	10,705	61.76	11,240	64.84
Water Quality Specialist	7,263	41.90	7,626	44.00	8,008	46.20	8,408	48.50	8,827	50.93	9,269	53.47

CITY COUNCIL STAFF REPORT

MEETING DATE: August 3, 2022

PREPARED BY:

Yat Cho, Senior Project Manager

APPROVED BY: City Manager

AWARD MORGAN HILL RECTANGULAR RAPID FLASHING BEACON (RRFB) AND HIGH INTENSITY ACTIVATED CROSSWALK BEACON (HAWK) PROJECT

RECOMMENDATION(S)

1. Adopt resolution to amend the Fiscal Year (FY) 2022-23 budget to appropriate an additional \$244,063 in the Park Impact Fund (301) for the Morgan Hill RRFB and HAWK Signal Project;
2. Approve the Morgan Hill RRFB and HAWK Signal Project Plans and Specifications;
3. Award contract to Golden Bay Construction, Inc. for the Morgan Hill RRFB and HAWK Signal Project in the amount of \$665,989;
4. Authorize expenditure of construction contingency funds not to exceed \$66,599; and
5. Authorize the City Manager to execute and administer the construction contract with Golden Bay Construction, Inc.

Estimated Time: NA

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Supporting Youth, Seniors and the Entire Community

Enhancing Public Safety

2022-2023 Strategic Priorities

Transportation

Guiding Documents

Bikeways, Trails, and Recreation Master Plan

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

The City of Morgan Hill is committed to providing bike, pedestrian, and traffic safety

improvements within the community. As part of the West Little Llagas Creek Trail project, the City identified the need for a Rectangular Rapid Flashing Beacon (RRFB) where the trail crosses West Middle Avenue and a High-intensity Activated Crosswalk signal (HAWK) where the trail crosses Watsonville Road. Additionally, two additional Rectangular Rapid Flashing Beacons (RRFB) are proposed along the existing section of the West Little Llagas Creek Trail where it crosses La Crosse Drive. These two locations are identified in the adopted Fiscal Year (FY) 2022-23 through 2027-28 Capital Improvement Program (Trail, Pedestrian & Traffic Safety Project #520023) .

The scope of work for the Morgan Hill RRFB and HAWK Project includes the installation of RRFBs at the intersection of the West Little Llagas Creek Trail with West Middle Avenue and La Crosse Drive (North & South) and a HAWK signal at the intersection of Watsonville Road and the West Little Llagas Creek Trail. Additional work includes concrete flatwork, striping, electrical, and other miscellaneous work (Attachment 1 - Vicinity Map). The plans and specifications were completed in May 2022.

The bid opening for this project was held on July 19, 2022 and two bids were received:

Golden Bay Construction, Inc.	\$665,989
Bear Electrical Solutions	\$735,179

Golden Bay Construction, Inc.'s bid of \$665,989 is approximately 29% higher than the engineer's estimate of \$515,000. This is due to rising costs of materials and labor throughout the country. Golden Bay Construction, Inc. is an experienced contractor for this type of work and has previously completed similar work for the City. Staff recommends the award of the contract to Golden Bay construction, Inc. in the amount of \$665,989 with a 10% contingency for this project. This project is scheduled to commence in September 2022 and be completed by December 2022, pending the availability of supply/equipment.

The plans and specifications are available for review on the City's web page under the Government tab and [Community Projects site](#).

The trail facilities for the West Little Llagas Creek Trail south of Watsonville Road to the north side of Silviera lake have been completed. Installation of these safety devices will allow the trail to open to the public.

COMMUNITY ENGAGEMENT:

Prior to and during construction, this project will have weekly updates on social media and the City website. Additional outreach by contractor through letters and door hangers will also be provided.

ALTERNATIVE ACTIONS:

City Council may elect to reject the bids for this construction contract and request the project be re-bid. Staff does not recommend this alternative as competitive bids were received and rebidding the project may result in further cost escalation for the project.

Additionally, it will delay the project approximately three to four months.

Alternatively, the Council could cancel this portion of the project, but this would reduce pedestrian safety at the crossing considerably or leave the trail closed.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

West Little Llagas Creek Trail Project

City Council approved the West Little Llagas Creek Trail as a project in the City's approved Capital Improvement Program. Furthermore, this is a project that has been supported by the City Council through the approval of the 2017 Master Bikeways, Trails, Parks, Facilities, and Recreation Master Plan.

September 27, 2017 - Grant Application to the State of California Habitat Conservation Fund (HCF) Program.

October 4, 2017 - Grant Application to the Valley Water.

December 6, 2017 - Grant Application to the Santa Clara Valley Open Space Authority

July 17, 2019 - Approved Design Agreement for West Little Llagas Creek Trail Project

September 15, 2020 - (Parks and Recreation Commission) West Little Llagas Creek Trail and Valley Water Cost Share.

April 5, 2022 - (Library, Cultural and Arts Commission) Reviewed and recommended to the City Council that the Steelhead Trout Sculpture proposed by Evelyn Davis be approved.

May 4, 2022 - Approved Sculpture Agreement with Evelyn Davis for Sculpture at West Little Llagas Creek Trail Project.

June 1, 2022 - Authorized the City Manager to Execute Maintenance Agreements with the County of Santa Clara for Traffic Safety Improvements at Middle Avenue at the West Little Llagas Creek Trail, Watsonville Road at the West Little Llagas Creek Trail, and DeWitt Avenue/Spring Avenue Intersection.

FISCAL AND RESOURCE IMPACT:

If approved, the total authorization of this project shall be \$732,588, which includes a 10% contingency of \$66,599. This includes \$544,063 for the work associated with the West Little Llagas Creek Trail Project (#117001) and \$188,525 associated with the work under the Bike, Pedestrian and Traffic Safety Project (#520023). There are sufficient funds within the FY22-23 Budget for the LaCrosse RRFB under Project #520023. To complete the Middle Avenue at West Little Llagas Creek Trail and Watsonville Road at West Little Llagas Creek Trail, \$244,063 will need to be appropriated from the Park Impact Fund (301) for the West Little Llagas Creek Project (#117001). Currently, there is approximately \$300,000 available within the project, which is not sufficient to

complete the proposed work.

CEQA (California Environmental Quality Act):

Categorical Exemption

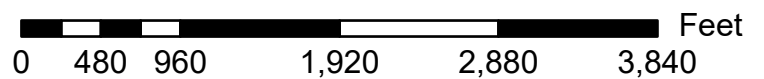
The activities described in this Staff Report are categorically exempt under CEQA, specifically pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities), as the subject work involves the repair, maintenance, or minor alteration of existing City facilities involving negligible or no expansion of use of those facilities. Minor Alterations to Land, under this section, covers minor public or private alterations to the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees for forestry or agricultural purposes, including the creation of bicycle lanes on existing right-of-way.



**Engineering and Utilities Department
CIP Engineering Division**

Document path: G:\R-14\PROJ\Maribel\GIS\Morgan Hill RRFB HAWK

**Morgan Hill RRFB and
HAWK Project**



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE CITY'S FISCAL YEAR 2022-23 ADOPTED BUDGET TO APPROPRIATE \$244,063 IN THE PARK IMPACT FEE FUND (301) FOR THE CONSTRUCTION OF THE MORGAN HILL RRFB AND HAWK PROJECT.

WHEREAS, recommended amendments are needed and proposed to the City's previously adopted Budget for Fiscal Year 2022-23 as set forth on Exhibit A to this Resolution, to appropriate the requisite funds to implement the actions authorized by this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine, and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That the City's previously adopted Fiscal Year 2022-23 Budget, as the same has been amended to date, is hereby further amended in accordance with and as reflected on Exhibit A attached hereto and incorporated herein by this reference; and
- b. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City's Finance Director, who is hereby authorized and directed to take all actions necessary to implement the terms of this Resolution pertaining to the Fiscal Year 2022-23 Budget of City.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 3rd day of August 2022 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:

DATE: _____

RICH CONSTANTINE, MAYOR

∞ CERTIFICATION ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, adopted by the City Council at the meeting held on August 3, 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Michelle Bigelow, CITY CLERK

"Exhibit A"

AGENDA BUDGET SCORECARD

FISCAL YEAR 2022-2023

ADJUSTMENT #

001

FUND:

301 Park Impact Fund

DEPARTMENT:

8051 Park Development

OBJECT:

86360 CONSTRUCTION

AGENDA DATE:

08/03/22

AGENDA ITEM TITLE:

Morgan Hill RRFB and Hawk Project

	07/01/22 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	06/30/23 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	831,183	1,369,271	1,278,096	922,358
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	-	-
RECOMMENDED ACTION		-	244,063	(244,063)
RESULT OF RECOMMENDED ACTION	<u>831,183</u>	<u>1,369,271</u>	<u>1,522,159</u>	<u>678,295</u>

CITY COUNCIL STAFF REPORT

MEETING DATE: August 3, 2022

PREPARED BY:

Chris Ghione, Public Services Director

APPROVED BY: City Manager

UPDATE ON PARTNERSHIP OPPORTUNITIES ON CITY OWNED PARKLAND AT BUTTERFIELD BOULEVARD AND MONTEREY ROAD

RECOMMENDATION(S)

Receive an update on the Invitation for Letters of Interest for Partner Organizations for Development and Operations on City-owned Parkland.

Estimated Time:

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Supporting our Youth, Seniors, and Entire Community

Enhancing Diversity and Inclusiveness

2022-2023 Strategic Priorities

Fiscal Sustainability

Economic Development

Guiding Documents

Bikeways, Trails, and Recreation Master Plan

REPORT NARRATIVE:

The purpose of this report is to provide the Council with an update on potential partners for the development of City parkland. The proposed City park at Butterfield Boulevard and Monterey Road has been identified as a potential new park containing both Ball Fields, a BMX pump track, and other amenities. The City owns approximately 8 acres of property that is designated for future park use. This property has been environmentally cleared for park use with designated amenities through a CEQA process. The City has recently purchased approximately 20 additional acres of adjacent property. However, this recently purchased property is outside the City limits and within the County, and development of the site is planned for much further down the road.

The initial development process for this park site was completed for an application to the State of California Department of Parks and Recreation for its Statewide Parks Program. Unfortunately, due to the competitive nature of the grant program and the

City's demographic makeup, the City's grant applications for the program were not successful. However, during the grant application process, the City engaged potential partners who were willing to take on significant portions of the park maintenance, as the City does not have the funding available to increase park maintenance services on a Citywide basis. Over the past two years, the City has continued to see interest from prospective partners in the development of this property for the benefit of the community. Based on this interest, the City released an invitation to partner organizations to explore potential partners in the development and operation of the parks and recreation space. Without partners, the full development of even the first 8 acres will be at least a decade down the road. The invitation for partner letters of interest is included as Attachment 1.

Potential partners were asked to use the criteria outlined in developing their letters of interest.

Required Criteria:

- Provides a direct benefit to the public and an opportunity for direct use by the public.
- Aligns with the environmental documents prepared for the site.
- Safe use of the site from a public safety perspective.
- Compatible with the future development of park space on the site and adjacent site.

Desired Criteria

- Contribution of capital funding for the development of park amenities.
- Contribution of operational funding to support overall site maintenance beyond maintenance of the direct amenities used by the partner organization.

The City received two letters of interest, one from the Dub Baseball/Softball Foundation, Dub Baseball/Softball, LLC, and KPI – Kinetic Performance Institute and one from USA BMX. The letters of interest are included as Attachments 2 and 3. The City staff has met with both organizations and believe both provide significant partnership opportunities for the City. Additionally, the City believes there may be an opportunity for both organizations to co-exist on the 8 acre site, with potential benefits in sharing development costs. Both partnership opportunities are time sensitive due to varying factors. For this reason, City staff will be moving forward with fact finding and potential site development with both organizations immediately. Additionally, the Parks and Recreation Commission has recommended staff move forward and also asked that, through the space planning and design process, that general park amenities be included and prioritized in the 8 acre site for public use.

Should the City Council concur with the recommendation by the Commission, City Staff would work with a design consultant and the two organizations to space plan and develop cost estimates for a build out with both organizations and City park facilities on

the 8 acres. Additionally, the City would work to develop a partnership framework with both partners on site development. Following this work, the next step would be to return to the Commission and Council with a site development plan.

While much planning still needs to be done, it is important to note that the development of the 8 acres with both partners will likely limit the amount of space available for general park elements more than the current concept design does. While this limitation is important, it should be noted that more public facilities could be pushed to the neighboring site in the future and that the City has very limited funds for development for the near term.

COMMUNITY ENGAGEMENT:

Involve/Collaborate

Through the prior grant process, significant outreach to the community was performed on the design of the site. It is the intent of staff to utilize the existing design as the basis for any future partnership development. The proposed collaboration with the community partners is critical for the financial feasibility of the project. The invitation for letters of interest was posted on the City website and sent directly to local sports organizations.

ALTERNATIVE ACTIONS:

This item is included on the consent calendar to provide the Council with a current update of the work occurring on the potential partnership opportunities. The Council may choose to provide input on the process or provide staff with alternate direction on this item.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Developing new park and recreation facilities is a central tenet of the Bikeways, Trails, Parks and Recreation Master Plan that the Council adopted in July 2017. The City Council authorized a grant application for development of this park site in July of 2019 and again in October of 2020.

FISCAL AND RESOURCE IMPACT:

The City does not anticipate significant design costs initially as each partner would be responsible for individual space planning and cost estimates for specific areas within the site. The City estimates spending approximately \$10,000 on space planning design work for the overall site. Funding for this work is included in the FY 2022-23 Capital Improvement Budget under Project 145023 Monterey Road Ball Field Park.

CEQA (California Environmental Quality Act):

Mitigated Negative Declaration

An environmental assessment, including an Initial Study and Mitigated Negative Declaration, has been prepared for the project by David J. Powers & Associates, Inc. in conformance with CEQA for the initial site plan and uses. Following the space planning for the site, future environmental work needs will be assessed.



Invitation for Letters of Interest for Partner Organizations for Development and Operations on City-owned Parkland

Background and Purpose

The City of Morgan Hill is located in southern Santa Clara County, approximately 10 miles south of the City of San Jose along Highway 101. Morgan Hill currently has a population of approximately 46,000 and covers 12.9 square miles. The City desires to partner with potential non-profit organizations and/or private entities to develop parkland with the City of Morgan Hill. The City owns property, but has limited resources for the development of the park space. In partnering, the City desires to find partners that are interested in funding both capital improvements and operations of park facilities that have a shared benefit to the partner organizations and the Morgan Hill Community.

The City has previously developed a plan for a new park site at the southeast corner of the intersection of Monterey Road and Butterfield Boulevard. The City owns approximately 8 acres of property that it has designated for future park use. This property has been environmentally cleared for park use with designated amenities through a CEQA process. The City owns approximately 20 acres of adjacent property, however that property will not be considered in this request.

Over the past two years, the City has seen interest from prospective partners in the development of this property for the benefit of the community. The purpose of this invitation is to explore interest from these potential partners in the development and operation of park and recreation space. For this proposal, potential partners should ensure that proposals support the following use criteria:

Required Criteria:

- Provides a direct benefit to the public and an opportunity for direct use by the public.
- Aligns with the environmental documents prepared for the site.
- Safe use of the site from a public safety perspective.
- Compatible with the future development of park space on the site and adjacent site.

Desired Criteria

- Contribution of capital funding for the development of park amenities.
- Contribution of operational funding to support overall site maintenance beyond maintenance of the direct amenities used by the partner organization.

The following exhibits are linked to provide additional information.

1. Site Location Map (Attached to this Document)
2. [Site Diagram](#)
3. Environmental Documents
 - a. [CEQA Initial Study](#)
 - i. [Appendix A - Air Quality Assessment](#)
 - ii. [Appendix B - Biological Resources Assessment](#)
 - iii. [Appendix D - Geotechnical and Foundation Investigation Report](#)
 - iv. [Appendix E - Phase II Environmental Site Assessment](#)
 - v. [Appendix F - Noise and Vibration Assessment](#)
 - vi. [Appendix G - Transportation Analysis](#)

Optional Tour for Potential Partners

City staff will host an optional tour of the property on **Monday, May 23, 2022 at 3:00 p.m.** Those attending the tour should meet at the Morgan Hill CAL FIRE Station at 15670 Monterey Road, Morgan Hill, CA 95037. Since there is no parking on site and the property is not yet developed, participants must be prepared to walk approximately 1,200 feet to the site. If interested in participating, parties should email Chris Ghione, Public Services Director, at chris.ghione@morganhill.ca.gov. Potential partners will have the opportunity to ask questions during the tour.

Partnership Invitation Process

The Invitation process will be conducted in multiple parts. First, interested organizations will submit a Letter of Interest (LOI) to this Invitation and interviews may be scheduled after the LOIs are reviewed. Subsequently, the City may request more detailed proposals from selected organizations. Staff will present proposals to the Parks and Recreation Commission which will make a recommendation to the City Council. The City Council will then review recommendations and make a decision.

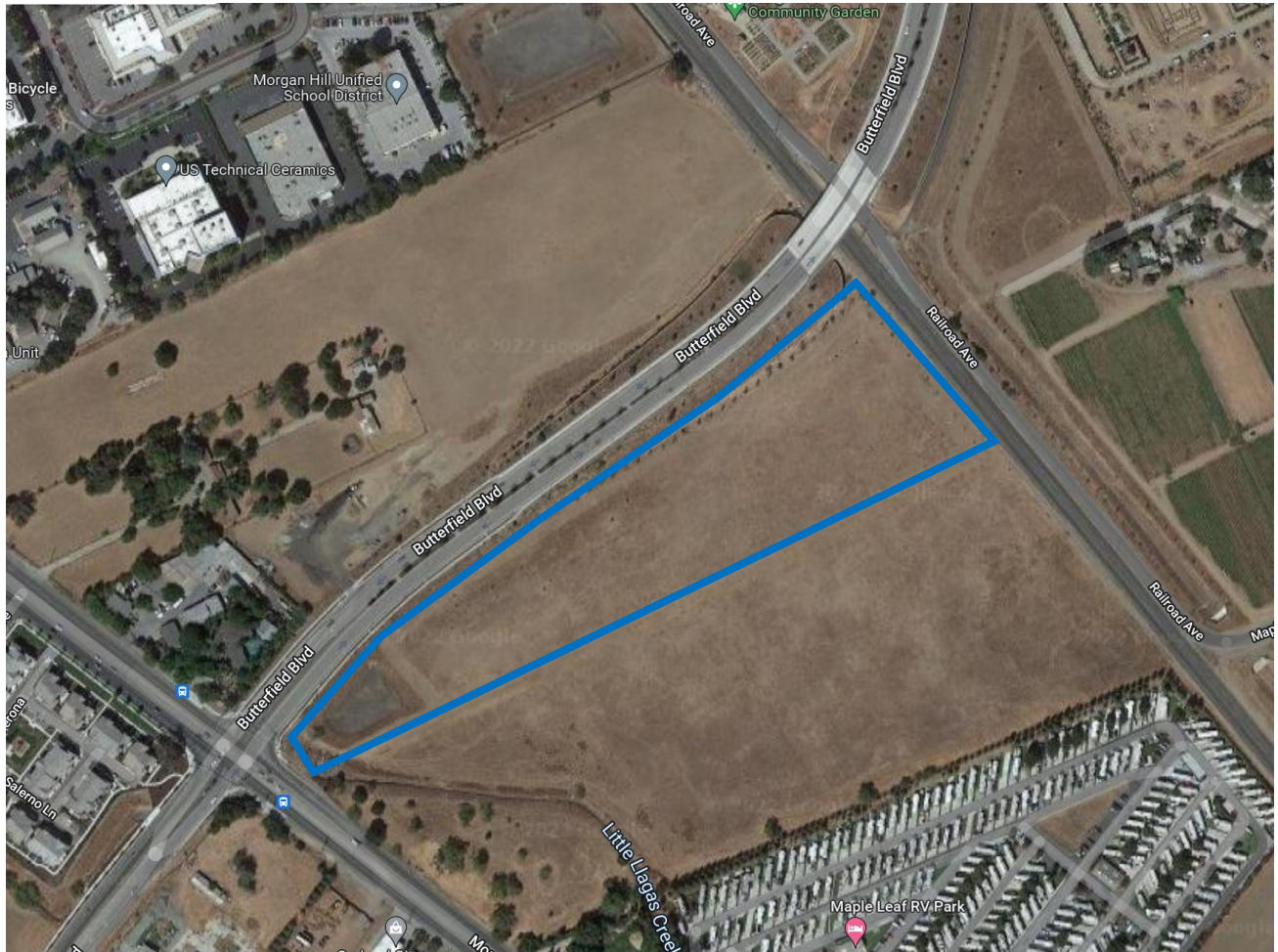
To submit a response to this Invitation and participate in the process, organizations must provide the following information in their LOI:

- A. A cover Letter signed by an individual authorized to make commitments on behalf of the organization.
- B. A description of the organization's proposed goals and interests for use of the site.
- C. Detail of the organization's proposed operations on the site.
- D. A description of the organization's past experience managing the type of operation proposed.
- E. An outline of how the proposed operation and development on the property will meet the criteria outlined in this ROI.
- F. Other details of the organization's operations intended for the property that are pertinent to the initial discussion.
- G. Desired financial arrangement and terms with the City of Morgan Hill.
- H. If non-profit, please include proof of organization's standing as a non-profit.

Next Steps:

Please provide responses to this Invitation no later than Wednesday **June 8, 2022 at 5:00 p.m.** via email to Chris Ghione at chris.ghione@morganhill.ca.gov. LOIs will be reviewed and potential organizations will be invited to have additional conversations with City of Morgan Hill staff. Thank you for your time and effort. We appreciate your interest in doing business with the City of Morgan Hill.

Site Location





USA BMX

The Foundation for a Better Ride

Proposal for Development and Operations

Butterfield Park City of Morgan Hill





Table of Contents

- A. cover Letter signed by an individual authorized to make commitments on behalf of the organization.
- B. Description of the organization's proposed goals and interests for use of the site.
- C. Detail of the organization's proposed operations on the site.
- D. A description of the organization's past experience managing the type of operation proposed.
- E. An outline of how the proposed operation and development on the property will meet the criteria outlined in this ROI.
 - a. Required Criteria:
 - i. Provides a direct benefit to the public and an opportunity for direct use by the public.
 - ii. Aligns with the environmental documents prepared for the site.
 - iii. Safe use of the site from a public safety perspective.
 - iv. Compatible with the future development of park space on the site and adjacent site.
 - b. Desired Criteria
 - i. Contribution of capital funding for the development of park amenities.
 - ii. Contribution of operational funding to support overall site maintenance beyond maintenance of the direct amenities used by the partner organization.
- F. Other details of the organization's operations intended for the property that are pertinent to the initial discussion.
- G. Desired financial arrangement and terms with the City of Morgan Hill.
- H. If non-profit, please include proof of organization's standing as a non-profit.
- I. Proposed Concept Plan Attached



A. Cover Letter

To:
City of Morgan Hill, CA

Date: May 31, 2022

From:
Justin Travis, Director of New Track Development
USA BMX

RE: USA BMX Cover Letter of Project Support

USA BMX and the USA BMX Foundation fully support the construction of a USA BMX Sanctioned Track at the future location of Butterfield Park. Upon the completion of the BMX track, USA BMX will support the project with full sanction status, local program creation and event scheduling. The USA BMX Foundation will work closely with the city and recreation department in an effort to implement after school and recreational educational programs.

Further, USA BMX recognizes the local non-profit organization, The Foundation for a Better Ride, as a highly capable and high performing organization in good standing. The Foundation for a Better Ride has grown and operated the largest youth racing program in the United States and is capable of providing top level event programming and coaching to the City of Morgan Hill and its residents.

In an effort to enrich the collaboration between the City of Morgan Hill, and any additional stakeholders and USA BMX, USA BMX will guarantee at least one sport tourism economic impact event each year through our State Championship Series (SCR). In addition to the State Championship Series event, USA BMX will give priority consideration for both Regional Events (Gold Cup Qualifiers) through the Gold Cup Application process and National Events through the National RFP process; based on the following criteria.

- Completion of the National Level USA BMX Racing facility per the scope of work and master plan developed by Action Sports Design and built by ABA Ethos.
 - Alternatively, if a National Level Racing Facility is not initially built, once the track has grown to National Capable, it may submit for a National through the National RFP Process
- The first State Championship series event will take place during the second season of operations.
 - If the facility is completed and local events are held in 2022, then the first SCR will be awarded in 2023
- Morgan Hill BMX track must host at least 20 local BMX races for each full season it is open prior to a USA BMX National or Gold Cup Championship Event.

The 2023 National RFP is attached as reference.

Justin Travis

05/31/2022
Date:



USA BMX

B. Proposed Goals

Our goal is to utilize the site of the future Butterfield park to develop and operate a Sanctioned USA BMX local racing program.

USA BMX programs are beginner and family inclusive programs, allowing racers of all ages to compete together and share experiences through thoughtfully designed weekly coaching, practice and competitive cycling events.





C. Proposed Operations

- Operations will include weekly racing, coached practices, and concession sales.
- These will happen five days per week for 11 months.
- The initial BMX Track will be an all dirt facility that will require daily maintenance.
 - Due to this situation, the track should be operated in a similar manner to a swimming pool; it is open to the public, but only during supervised, sanctioned activities.
 - If a point is reached where the track surface is able to be upgraded to a surface that does not require maintenance, and the city is willing to insure the facility during non-sanctioned times (similar to a skatepark) the facility will have the ability to be open daily during hours without supervision.
- A sample/proposed schedule is below.

BMX Racing League: Sessions are 6 weeks each. Offered in Spring, Summer and Fall

BMX Summer Camps and Special Events will be submitted via a separate schedule

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Key
11:00 AM						Sanctioned Racing		
12:00 PM						Sanctioned Racing		
1:00 PM						Sanctioned Racing		
2:00 PM						Sanctioned Racing		
6:00 PM			Coached Lessons	Sanctioned Racing	Coached Lessons			Sanctioned Racing
7:00 PM	BMX Racing League		Coached Lessons	Sanctioned Racing	Coached Lessons			BMX Racing League
8:00 PM	BMX Racing League			Sanctioned Racing				Coached Lessons

D. Past Experience

The Foundation for a Better Rider parents group has operated the USA BMX facility located in Santa Clara for six years.

During this time, the yearly membership was increased from 515 members to 1333 members. In this same period racing was increased from twice a week to three times per week and average racer attendance was increased from 54 participants per event to 165 participants per event.

The above numbers reflect competition days and do not take into account the additional two days per week of coached practice sessions or summer camps.

This level of participation is higher than most other recreational sports and happens 11 months a year, so facility use is not limited to traditional sport seasons.

The Foundation for a Better Ride is currently the number one USA BMX parents organization in the United States.



E. Criteria

Required Criteria:

- Provides a direct benefit to the public and an opportunity for direct use by the public.
 - The residents of Morgan Hill do not currently have access to recreational cycling programs in any form. This directly benefits all families that are looking for alternative, programmed and coached activities outside of traditional team sports.
 - The data from Santa Clara shows that there are more residents not participating in traditional sports than are participating in them.
 - The conclusion is that further investments in traditional sporting activities does not benefit the majority of the community.
- Aligns with the environmental documents prepared for the site.
 - BMX racing is non-motorized and when the surface of the track is prepared properly uses very little natural resources for maintenance.
- Safe use of the site from a public safety perspective.
 - During all programmed activities, organization staff is present.
- Compatible with the future development of park space on the site and adjacent site.
 - BMX racing is complimentary of future park space as many participants and their families enjoy playgrounds, sheltered picnic areas and multi-use spaces.

Desired Criteria

- Contribution of capital funding for the development of park amenities.
 - Unlike many capital projects of this nature, USA BMX owns the events that are used to drive tourism and economic development.
 - USA BMX is able to guarantee State and Regional level events that will drive as much as \$500,000/year in Economic Impact to your city.
 - If a National Event is awarded the Economic Impact averages \$2.1 Million.
- Contribution of operational funding to support overall site maintenance beyond maintenance of the direct amenities used by the partner organization.
 - The majority of BMX Racing is based on the pay-play model allowing for BMX facilities to be completely self-funding on the operational and maintenance levels.
 - BMX facilities are not only operationally sustainable but are able to operate with a positive revenue balance allowing them to re-invest in their programs and facilities.



F. Further Details

A proposed site layout is attached that would allow for the use of a projected 100 participants and 250 total people on site each race day.

The USA BMX Track will serve between 15,000 and 20,000 athletes annually and between 30,000 and 50,000 total visitors annually.

G. Desired Financial Arrangement

Depending on the available infrastructure and experience of the local organization a typical USA BMX track can cost up to \$2,000,000 at full value.

- The Foundation for a Better Ride is able to work with the city of Morgan Hill to develop a USA BMX track at a fraction of the cost to the city.
- As the Foundation for a Better Ride will be funding the majority of the project in return we ask to operate for 5 years with no lease payments.
- After 5 years the Foundation for a Better Ride is prepared to pay a fee of \$2 per participant (not spectator) for every event that happens at the facility.
 - This will allow the program a fair chance for growth without paying more than it is able as the program starts. This also allows the city to receive increased revenue as the program continues to grow.
- Once the program is operating at capacity, the city is projected to receive between \$15,000 - \$20,000 per year in ongoing use fees.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **MAY 20 2014**

FOUNDATION FOR A BETTER RIDE
17513 WOODRIDGE CT
SALINAS, CA 93908

Employer Identification Number:
46-0551808
EIN:
17053317335003
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
April 20, 2012
Contribution Deductibility:
Yes
Addendum Applies:
No

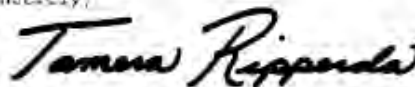
Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Director, Exempt Organizations

Enclosure: Publication 4221-PC

Letter 947



Entity Status Letter

Date:

ESL ID:

Why You Received This Letter

According to our records, the following entity information is true and accurate as of the date of this letter.

Entity ID:

Entity Name:

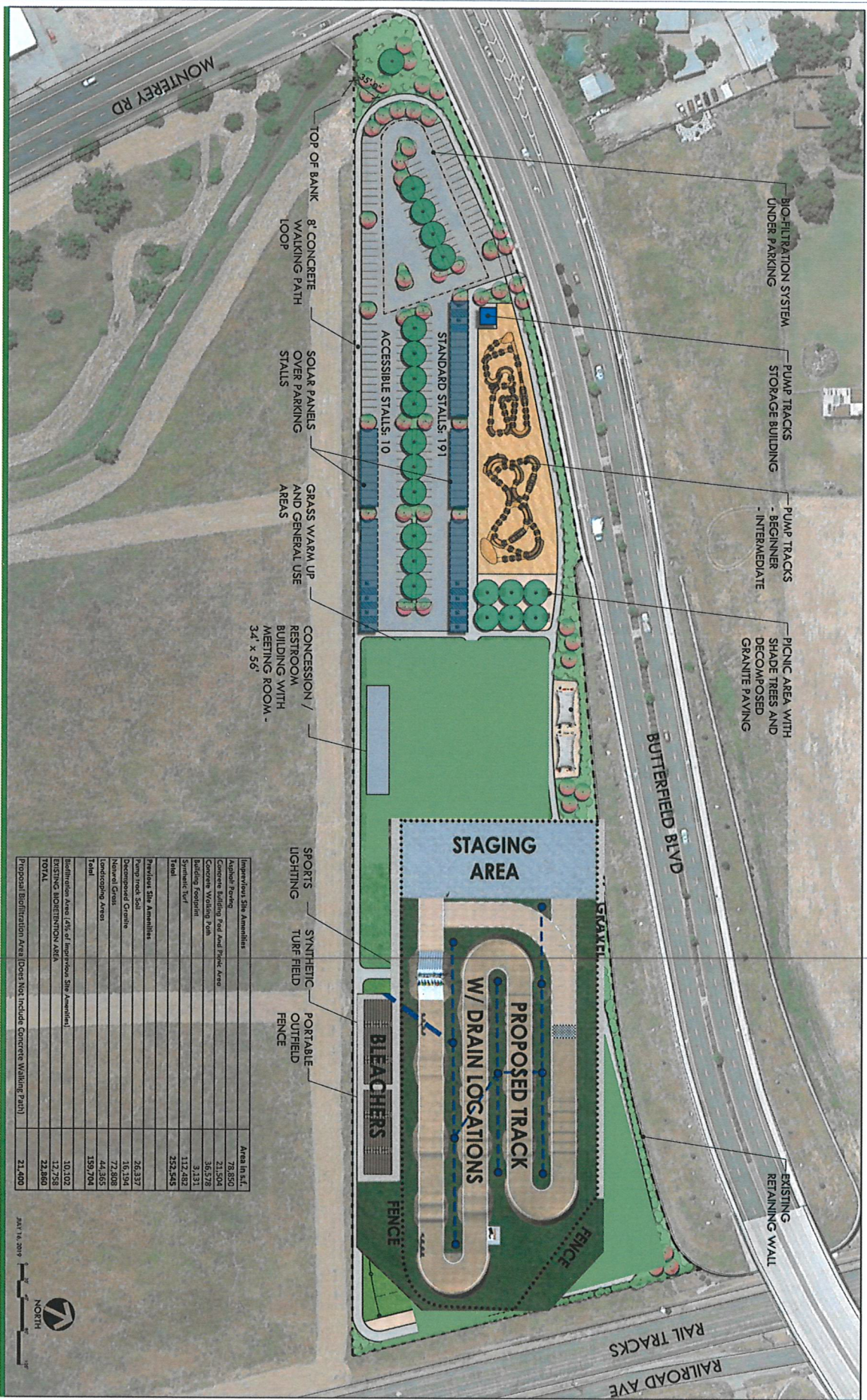
1. The entity is in good standing with the Franchise Tax Board.
2. The entity is **not** in good standing with the Franchise Tax Board.
3. The entity is currently exempt from tax under Revenue and Taxation Code (R&TC) Section 23701
4. We do not have current information about the entity.
5. The entity was administratively dissolved/cancelled on _____ through the Franchise Tax Board Administrative Dissolution process.

Important Information

- This information does not necessarily reflect the entity's current legal or administrative status with any other agency of the state of California or other governmental agency or body.
- If the entity's powers, rights, and privileges were suspended or forfeited at any time in the past, or if the entity did business in California at a time when it was not qualified or not registered to do business in California, this information does not reflect the status or voidability of contracts made by the entity in California during the period the entity was suspended or forfeited (R&TC Sections 23304.1, 23304.5, 23305a, 23305.1).
- The entity certificate of revivor may have a time limitation or may limit the functions the revived entity can perform, or both (R&TC Section 23305b).

Connect With Us

Web: **ftb.ca.gov**
Phone: 800.852.5711 from 7 a.m. to 5 p.m. weekdays, except state holidays
916.845.6500 from outside the United States
TTY/TDD: 800.822.6268 for persons with hearing or speech impairments



Improvement Site Amenities		Area in s.f.
Asphalt Paving		78,850
Concrete Building Foot And Pave Area		21,504
Concrete Walking Path		36,578
Building Footprint		3,131
Synthetic Turf		112,482
Total		252,545
Paved Area Amenities		
Pump Track Soil		26,337
Decomposed Granite		16,194
Natural Grass		72,808
Landscaping Areas		44,555
Total		159,904
Biodiversity Area (45% of Improvements Site Amenities)		
Existing Biodiversity Area		10,102
Total		22,480
Proposal Biodiversity Area (Does Not Include Concrete Walking Path)		21,400



Preliminary Design Concept
Butterfield Park
Morgan Hill, CA



To City of Morgan Hill Staff and Planning Commission,

This letter is in response to the Request for Partnership posted on the City of Morgan Hill website on April 28, 2022. This letter is concerning the potential park complex on the city-owned 8-acre parcel on the corner of Monterey Road and Butterfield Boulevard.

The Dub Baseball/Softball Foundation, Dub Baseball/Softball, LLC, and KPI – Kinetic Performance Institute are eager and willing to partner with the City of Morgan Hill on a ballfield complex at the proposed site. Our vision for the 8-acre site is to build a full baseball field with artificial turf and lighting, along with a 10,000 square foot indoor athlete training facility that can support the operations on the site. We are also interested in adding a smaller softball field on the site, depending on the initial cost of the first phase of the buildout. We have considerable funds and resources to dedicate to the building of this ballfield and training complex and we are ready to partner with the city on the completion of this project. We also have the ability to provide full operational capacity for the site and complex.

There would be numerous benefits to partnering with our brand portfolio on this project. First, the Dub program and accompanying non-profit and Fictitious Business Name, are a home-grown business that will be celebrating its 10th year in August of 2022. We have nurtured thousands of local athletes during the decade we have been in business and we have grown considerably as a business in the last few years. This ballfield complex will be a signature offering for Morgan Hill that will have a lasting impact on local youth for decades to come. Local youth will no longer need to drive to neighboring cities to enjoy a world-class ballfield, hundreds of youth each week will be able to use and develop on a state of the art turf field right here in Morgan Hill. The site also represents a significant economic growth opportunity for local businesses. Currently, we have hundreds of athletes that live outside of Morgan Hill that drive to our facility weekly to enjoy our services and that would increase exponentially with the larger footprint of a ballfield complex, along with the ability to host lucrative tournaments on the weekends. Along with serving local athletes, this complex would bring hundreds and thousands of out of town visitors to Morgan Hill every week to support our thriving businesses and community. A complex of this nature will also continue to separate Morgan Hill from other, completing suburban destinations in the Bay Area.

We have reviewed the environmental documents that have been designed for this site and we believe our proposal fits in well with the vision and design for the site. We are willing to work with the City of Morgan Hill and appropriate designers to ensure our vision is aligned with the appropriate reviews already performed on the site. We are also willing to lead the charge if certain amendments need to be made to accommodate

our vision for the site. We believe our vision will have the highest positive impact on the local community and we are prepared to dedicate resources towards that vision.

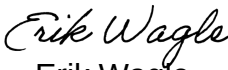
We currently have a unique capacity to step in and immediately operate this site safely and efficiently. We have a staff of 20 coaches that is well versed in safely operating youth trainings and practices. We have existing systems and staff in place to ensure all operations at the site are effectively managed with a safety first mentality. Our entire staff is CPR/AED certified, have gone through concussion training, have had background checks, and we plan on dedicating a portion of our staff to this project. We will have our entire staff on site with dedicated members to ensure the site is always maintained and safely operated to a high standard.

We are well positioned to be able to operate this site properly and be a partner with the City on the adjacent site in the future. We have been operating club baseball teams for 10 years and have hosted dozens of teams on local fields for tournaments. We have a strong partnership with Northern California Travel Baseball, one of the premier tournament providers in the entire nation. With our existing infrastructure and experience, we can seamlessly operate the day to day operations of a large ballfield complex, as well as handle the huge operation of running tournaments on the weekends. Both local practices and events during the week, as well as tournaments on the weekend, will be huge benefits to the local youth and economy.

We have significant capital to contribute to this project to ensure it comes to fruition in our vision. We have up to \$2.4 million dollars earmarked for this project, with the ability to potentially raise more, but the level of our contribution would be contingent on reaching an amicable agreement with the City of Morgan Hill. With the construction of a turf field(s) on the site and potential adjacent property, on-going and operational maintenance would be minimal. We currently have the staffing in place to handle the day to day operational aspects of running a site with ballfields, and are willing to contribute more staffing and resources to the project if deemed necessary.

We have very serious interest in developing this site and continuing Morgan Hill's desire to be a sport and recreation destination. We have unique capacities to assist in the development and operation of this site that will be a great benefit to the Morgan Hill community. Please feel free to reach out to me with any questions or further details at 408-623-2520 or erik@kpimh.com.

With Honesty and Respect


Erik Wagle

President
Dub Baseball/Softball, LLC & KPI-Kinetic Performance Institute

Executive Director
Dub Baseball/Softball Foundation (non-profit)

CITY COUNCIL STAFF REPORT

MEETING DATE: August 3, 2022

PREPARED BY:

Jennifer Carman, Development Services Director

APPROVED BY: City Manager

INTRODUCE AN ORDINANCE TO AMEND THE TEXT OF TITLE 12 AND TITLE 18 OF THE MORGAN HILL MUNICIPAL CODE TO REFLECT THE CITY COUNCIL'S ADOPTION OF THE MORGAN HILL OUTDOOR DINING PROGRAM AND MANUAL FOR SIDEWALK CAFES AND PARKLETS

RECOMMENDATION(S)

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 the Planning Commission.

Estimated Time: 30 Minutes

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

2022-2023 Strategic Priorities

Economic Development

Transportation

Guiding Documents

Economic Blueprint

Morgan Hill 2035 General Plan

Downtown Morgan Hill Specific Plan

Morgan Hill Outdoor Dining Manual

REPORT NARRATIVE:

The proposed Municipal Code Amendments are follow-up actions that implement the Morgan Hill Outdoor Dining Program and Manual that was adopted by the [City Council on May 4, 2022](#). The [Morgan Hill Outdoor Dining Manual](#) provides a comprehensive overview of outdoor dining guidelines and standards for citywide outdoor dining.

Zoning Ordinance (Title 18) Amendments

Currently, the City's Zoning Ordinance (Title 18) does not address outdoor dining. The proposed amendment to Title 18 will add a new code section that references the standards contained in the Morgan Hill Outdoor Dining manual and establishes a streamlined City review process for sidewalk cafes and parklets in Morgan Hill.

Specifically, the proposed amendment to Title 18 will amend Chapter 18.92 ("Supplemental Standards") to add a new section entitled "Outdoor Dining" that establishes standards and permitting requirements for restaurants to utilize an adjacent Sidewalk/Patio (Sidewalk Cafe) or Parking Area (Parklet) for outdoor dining as follows:

Sidewalk Cafes

Private Sidewalk Cafes are outdoor dining spaces located within the sidewalk area or adjacent landscaping area, located on private property such as a shopping center, that are associated with an adjacent eating and drinking establishment. The proposed ordinance identifies design standards for outdoor dining venues and clarifies the process for which outdoor dining activations require a City review and Zoning Clearance. Sidewalk Cafes involving permanent structures will require the approval of a Zoning Clearance, while Sidewalk Cafes without structures and that meet the Morgan Hill Outdoor Dining Manual do not require City review.

Public Sidewalk Cafes are outdoor dining spaces located within the sidewalk area on the public right-of-way that are associated with an adjacent eating and drinking establishment. An Encroachment permit is required for a Sidewalk Cafe located on the public right-of-way in accordance with Chapter 12.04 of the Municipal Code (Proposed changes to Chapter 12 are described below).

Parklets

Private Parklets are outdoor spaces created in parking stalls on private property to be utilized for outdoor dining. A Zoning Clearance is proposed to be required for a parklet on private property. The proposed location and footprint of the parklet will be reviewed on a case-by-case basis by the Development Services Director to ensure that sufficient parking remains available on the site.

Public Parklets are outdoor spaces created in formerly dedicated parking stalls in the public right-of-way, consisting of a semi-permanent extension of the existing curb into the parking lane to facilitate outdoor dining. An Encroachment permit is required for a public parklet in accordance with Chapter 12.08 of the Municipal Code.

The ordinance incorporates the Morgan Hill Outdoor Dining Manual by reference and includes a provision that exempts outdoor dining areas from providing additional parking for the expanded dining area or to replace the loss of parking spaces. At the June 14, 2022, Planning Commission public hearing, the Planning Commission voted unanimously to recommend that the City Council adopt the proposed amendment to Title 18. Refer to the [Planning Commission Staff Report](#) and [resolution](#) for further details on the proposed amendment.

Findings

Pursuant to Section 18.114.060 (Findings for Approval), the City Council may approve a Zoning Code amendment only if all of the following findings are made:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. The proposed amendment is internally consistent with other applicable provisions of the Zoning Code.

The proposed ordinance is consistent with the above findings as it will implement many General Plan Goals and Policies, including those aimed at supporting restaurants and shopping centers in Downtown Morgan Hill and other areas of the City. They are intended to allow for well-designed outdoor dining that accommodates vehicle and pedestrian circulation and will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed text amendments will not create any internal inconsistencies with any other zoning code provisions.

Title 12 Amendments

The requirements for outdoor dining in the public right-of-way, including the requirements for Encroachment Permits, are contained in Title 12 Streets, Sidewalks, and Public Places. Currently, Section 12.04.030 (Commercial Sidewalk Encroachment Permit - Specific Criteria) of Chapter 12.04.030 (Sidewalk Encroachment) limits sidewalk cafes in the public right-of-way to Central Commercial (CC-R)-zoned areas and only for businesses in buildings which front on Monterey Road and adjacent side streets for a depth of one city block, south of West Main Avenue and North of West Dunne Avenue. This restriction was determined to no longer be necessary because restaurants located outside this limited area should be provided the opportunity for outdoor dining. Therefore, in an effort to encourage outdoor dining throughout Morgan Hill, staff is proposing to remove the existing limitation on sidewalk cafes to only specific areas of Downtown Morgan Hill. This was added to the ordinance after the Planning Commission review.

In addition, the existing code provisions are outdated as the CC-R (Central Commercial/Residential) Zoning designation is no longer a current City zoning district as it was replaced by the MU-D (Downtown Mixed Use) designation as part of the 2018 comprehensive update of Title 18.

In summary, these proposed amendments are consistent and support the Morgan Hill Outdoor Dining Program, and Manual approved by the City Council on May 4, 2022.

COMMUNITY ENGAGEMENT:

The City of Morgan Hill conducted the following meetings and outreach regarding the Morgan Hill Outdoor Dining Program and Manual:

- April 14, 2022 - Chamber of Commerce Economic Development Meeting
- April 21, 2022 - Morgan Hill Downtown Association Meeting
- April 28, 2022 - Draft version of the Outdoor Dining Manual included in the Economic Development eNewsletter
- April 29, 2022 - Draft version of the Outdoor Dining Manual included in the City's 411
- May 2 and 3, 2022 - Draft version of the Outdoor Dining Manual shared and reviewed with Citywide restaurant operators
- May 25, 2022 - Shopping Center Owner/Broker Meeting
- June 15, 2022- Outreach to all restaurant operators citywide
- July 1-31, 2022 - Visits with individual existing parklet operators
- July 26, 2022 - Reminder notification about outdoor dining transition timeline, guidelines, and processes to all citywide restaurant operators

A 10-day public hearing notice was published for the June 14, 2022, Planning Commission meeting in the June 3, 2022 edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096. A 10-day public hearing notice was published for this meeting in the July 22, 2022, edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096. Notices were also provided on the City's 411, the City's website, and via social media.

ALTERNATIVE ACTIONS:

If the City Council does not take action on the proposed ordinance amendments, the Municipal Code will remain unchanged, and it will be difficult to enforce compliance with the standards. Sidewalk cafes would remain limited to the Downtown. The Council may make modifications to the proposed amendments, or not approve certain amendments that the Council deems appropriate.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On June 6, 2018, the City Council adopted Ordinance No. 2277 N.S., a comprehensive update of Title 18 Zoning of the City of Morgan Hill Municipal Code. The update included an amendment to the City's official zoning map consistent with the Morgan Hill 2035 General Plan.

On May 4, 2022, the City Council adopted the Morgan Hill Outdoor Dining Program and Manual.

On June 14, 2022, the Planning Commission considered and recommended unanimously that the City Council adopt the proposed amendments.

FISCAL AND RESOURCE IMPACT:

No financial impacts are associated with this action. Staff regularly brings minor amendments as necessary to enhance, correct, and/or refine the Code; and therefore, the cost is borne, and work is accommodated, within the respective division's annual workplan and budget.

CEQA (California Environmental Quality Act):

This Ordinance is categorically exempt from environmental review under Section 15061(b)(3) of the State CEQA Guidelines. The proposed text amendments are covered by the general rule that CEQA applies only to projects which have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendment is a minor change to add standards to the Municipal Code for outdoor dining that is incidental to a restaurant use and will not result in any direct impact upon the physical environment. Any development that occurs in the future subject to such standards will undergo an independent analysis pursuant to the requirements of CEQA.

ORDINANCE NO. XXXX, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING SECTION 12.04.030 (“COMMERCIAL SIDEWALK ENCROACHMENT PERMIT—SPECIFIC CRITERIA”) OF CHAPTER 12.04 (“SIDEWALK ENCROACHMENT”) OF TITLE 12 (“STREETS, SIDEWALKS AND PUBLIC PLACES”) OF THE MORGAN HILL MUNICIPAL CODE TO UPDATE SIDEWALK ENCROACHMENT PERMIT LOCATION CRITERIA AND ADDING A NEW SECTION 18.92.115 (“OUTDOOR DINING”) TO CHAPTER 18.92 (“SUPPLEMENTAL STANDARDS”) OF TITLE 18 (“ZONING”) OF THE MORGAN HILL MUNICIPAL CODE ESTABLISHING STANDARDS FOR RESTAURANTS TO UTILIZE AN ADJACENT SIDEWALK/PATIO (SIDEWALK CAFÉ), OR PARKING AREA (PARKLET), FOR THE PURPOSES OF OUTDOOR DINING.

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS FOLLOWS:

Section 1. Section 12.04.030 (Commercial Sidewalk Encroachment Permit—Specific Criteria) Of Chapter 12.04 (Sidewalk Encroachment) of Title 12 (Streets, Sidewalks and Public Places) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

12.04.030 Commercial sidewalk encroachment permit—Specific criteria.

A. In addition to satisfaction of the general criteria enumerated above, permits may be granted for commercial sidewalk encroachments, in accordance with the following specific criteria and procedures, for:

1. Outdoor sales and display areas of flower and plant shops;
2. Outdoor eating areas of eating and drinking establishments; and
3. Displays of merchandise commonly sold within the adjacent business establishment, which shall not exceed seven days' duration.

~~B. Commercial sidewalk encroachments shall be permitted only on public sidewalks in areas of the city zoned central commercial (CC-R) and only for businesses in buildings which front on Monterey Road and adjacent side streets for a depth of one city block, south of West Main Avenue and North of West Dunne Avenue;~~

~~B.~~ Commercial sidewalk encroachments shall be permitted only on public sidewalks immediately adjacent to the frontage of the business which is granted a permit for such encroachment;

~~C.D.~~ Commercial sidewalk encroachments permits shall be available for inspection upon request ~~visibly designated as such by a placard or other such identification which clearly identifies~~

~~the holder of the permit, the permit number and its date of expiration;~~

DE. No commercial sidewalk encroachment shall be located in a manner that:

1. Impedes access to any city inspection, maintenance and operation devices or controls;
2. Blocks curbside access to a loading zone; or
3. Impedes pedestrian access from curbside vehicles to the adjacent sidewalk.

EF. No commercial sidewalk encroachment shall be permitted:

1. Without a minimum sidewalk clearance width of five feet, measured between the building and fixed objects (such as building walls and utility poles), planter wells and/or curbs; or
2. On a public sidewalk within a distance of ten feet from corner curb lines and corner crosswalks.

FG. All commercial sidewalk encroachments shall be removed whenever the adjacent business which owns the encroachment is closed for business, unless specifically exempted by the director of public works.

SECTION 2. Section 18.92.115 (“Outdoor Dining”) of Chapter 18.92 (“Supplemental Standards”) of Title 18 (“Zoning”) is hereby added to read as follows:

18.92.115 Outdoor Dining

- A. Purpose: In order to accommodate vehicle and pedestrian circulation and to create well-designed and attractive outdoor dining areas, this section establishes standards for restaurants to utilize an adjacent sidewalk/patio (Sidewalk Café), or parking area (Parklet), for the purposes of outdoor dining.

- B. Definitions:

Public Sidewalk Café: Outdoor dining spaces located within the sidewalk area of the public right-of-way, that are associated with an adjacent eating and drinking establishment.

Private Sidewalk Cafes: Outdoor dining spaces located within the sidewalk area or adjacent landscaping area, located on private property such as a shopping center, that are associated with adjacent eating and drinking establishments.

Public Parklets: Outdoor spaces created in formerly dedicated parking stalls, consisting of a semi-permanent extension of the existing curb into the parking lane to facilitate outdoor dining.

Private Parklets: Outdoor spaces created in private parking stalls consisting of a semi-permanent extension of the existing curb into the parking lot to facilitate outdoor dining, public interaction, and shopping center activation.

- C. All Sidewalk Cafés and Parklets shall be permitted, designed, and operated in accordance with the Morgan Hill Outdoor Dining Manual adopted by City Council as may be amended by the City Manager or designee.
- D. A Zoning Clearance in accordance with Section 18.108.110 is required for a Private Parklet, or a Private Sidewalk Café which includes permanent structures.
- E. Exceptions to Standards. The Development Services Director may allow accessory outdoor dining that deviates from the standards in the Morgan Hill Outdoor Dining Manual with approval of an Administrative Use Permit in accordance with Section 18.108.020.
- G. Parking. Outdoor dining in a Sidewalk Cafe is not subject to the on-site parking requirements contained in Section 18.72.010 (Parking and Loading). The amount and location of the parking stalls proposed to be utilized for a Private Parklet will be evaluated by the Development Services Director.
- H. Outdoor dining areas may not be arranged or operated in a manner that would:
 - a. Cause a safety hazard.
 - b. Obstruct the entrance to a building.
 - c. Reduce the accessible path of travel.
 - d. Interfere with access or parking required to be maintained under the Americans with Disabilities Act (ADA).
 - e. Encroach upon driveways or drainages, or otherwise create hazards for pedestrian or vehicle traffic.
 - f. Creates a private or public nuisance.

SECTION 3. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 4. Effective Date; Publication. This ordinance shall take effect thirty (30) days after the date of its passage and adoption. The City Clerk is hereby directed to publish in full or summary this ordinance pursuant to §36933 of the Government Code in a newspaper of general circulation in the City of Morgan Hill.

The foregoing ordinance was introduced, and the title thereof read at a regular meeting of the City Council of the City of Morgan Hill held on the ____ day of _____ 2022, and was finally adopted at a regular meeting of said Council on the ____ day of _____ 2022, and said ordinance was duly passed and adopted in accordance with law.

PASSED AND ADOPTED by the City Council of Morgan Hill at the regular meeting held on the __th day of _____, 2022 by the following vote:

AYES: **COUNCIL MEMBERS:**
NOES: **COUNCIL MEMBERS:**
ABSTAIN: **COUNCIL MEMBERS:**

ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

∞ CERTIFICATE OF THE CITY CLERK ∞

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. XXXX, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the XX XX 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk



Morgan Hill Outdoor Dining Ordinance

City Council Presentation



Current Program Timeline



May 4, 2022

Outdoor Dining
Program for **Public
Right-of-Way**
areas approved by
Council



June 14, 2022

Outdoor Dining
Ordinance for
Private Property
approved by
Planning
Commission



August 3, 2022

Review of
Outdoor Dining
Ordinance &
Necessary
Municipal Code
Amendments

- Al Fresco Outdoor Dining Expires December 2022
- Education and outreach through December 2022
- Code Enforcement in 2023

Title 18 Zoning Ordinance

Amendments for Private Property

Outdoor Dining

- ❑ Codifies guidelines and standards for outdoor dining on private property
- ❑ Exempts sidewalk dining operations on private property, without an overhead structure, from review and fees
- ❑ Develops a planning review and permitting process for outdoor dining that includes permanent structures
- ❑ Establishes a nominal fee ranging from \$250 to \$1,500
- ❑ Exempts outdoor dining on private property from providing additional parking

Title 12 Zoning Ordinance Amendments for Outdoor Dining in Public Right-of-Way

- ❑ Allows Sidewalk Cafes in Public Right-of-Way Citywide (currently allowed in certain areas of Downtown only)



Outreach



- **June 2 & June 10:** Existing parklets were assessed by building and code enforcement teammates, resulting in the creation of a Parklet Diagnostic Report for each individual parklet
- **June 15:** Notification about new Outdoor Dining Program to all citywide restaurant operators
- **June 20:** Notification about new Outdoor Dining Program and Semi-Permanent Parklet and Grant Funding Program to all existing parklet operators
- **July 5:** Individual communication to all existing parklet operators, sharing results of their Parklet Diagnostic Report
- **July 8-31:** One-on-one meetings with existing parklet operators to discuss Diagnostic Report and next steps
- **July 26:** Reminder notification about outdoor dining transition timeline, guideline and processes to all citywide restaurant operators

Outdoor Dining Code Amendments



Recommendation

1. Accept Planning Commission's recommendation to approve the proposed amendments to Municipal Code Title 18 and Title 12 related to Outdoor Dining;
2. Waive first reading of the Ordinance Amendment; and,
3. Introduce the Ordinance Amendment

Findings

1. The proposed amendments are consistent with the General Plan and any applicable specific plan as provided by GC Section 65860
2. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City
3. The proposed amendments are internally consistent with other provisions of the zoning code



Questions?