



Special - Regular Meeting Agenda

City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, February 5, 2020 6:00 p.m.

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

SPECIAL/REGULAR MEETING

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

6:00 p.m. Closed Session

7:00 p.m. Regular Meeting

STUDENTS - THE CLOSED SESSION THAT STARTS AT 6:00 P.M. IS NOT OPEN TO THE PUBLIC. THE REGULAR MEETING STARTS AT 7:00 P.M.

SPECIAL MEETING

6:00 p.m. Closed Session

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
Deputy City Clerk Michelle Bigelow

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation under Government Code Section 54956.9(b)

One Case

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§54957)

Title: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§54957)

Title: City Attorney

CONVENE REGULAR MEETING

REGULAR MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

February 5, 2020

CONSENT CALENDAR

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

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. ACCEPT NOVEMBER 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

2. INFORMATION TECHNOLOGY BUDGET INCREASE

Recommendation:

Adopt resolution amending the adopted 2019-20 Fiscal Year Budget appropriating \$160,000 from the Information Services Fund (730) for critical technology upgrades.

3. APPROVE CHANGE TO LIBRARY, CULTURE AND ARTS COMMISSION TERMS

Recommendation:

Approve transition to four year terms for the Library, Culture and Arts Commission.

4. APPROVE GROUND LEASE AGREEMENT FOR EQUIPMENT SHELTER AT COMMUNITY PARK BETWEEN THE CITY OF MORGAN HILL AND LCB COMMUNICATIONS LLC

Recommendation:

Approve a five-year Ground Lease Agreement, with an option to extend for two additional five-year terms, between the City of Morgan Hill and LCB Communications LLC, for a small communications equipment shelter to be generally located at the far southwestern corner of Community Park.

5. APPROVE PURCHASE OF PROPERTY (KIM & HWANG) APN 726-21-006 FOR THE MAIN AVENUE BIKE LANE AND SIDEWALK PROJECT

Recommendation:

1. Adopt resolution approving the purchase of a portion of APN 726-21-006 for \$101,277 plus escrow and closing costs from Kevin Kim and Jessica Hwang for the Main Avenue Bike Lane and Sidewalk Project; and
2. Authorize the Public Services Director to execute all documents and make minor modifications as necessary in order to consummate the transaction.

6. APPROVE THE JANUARY 15, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

7. APPROVE THE JANUARY 24, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

8. APPROVE THE JANUARY 25, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARING

9. ADOPT RESOLUTION AUTHORIZING THE COUNTY TO COMMENCE 2020 HAZARDOUS VEGETATION ABATEMENT PROGRAM

Recommendation:

1. Open/Close public hearing;
2. Adopt resolution A authorizing Santa Clara County to commence hazardous vegetation abatement activities on the attached list; and
3. Adopt resolution B authorizing Santa Clara County to commence hazardous vegetation abatement activities for the remaining parcel.

Estimated Time: 10 Minutes

OTHER BUSINESS

**10. HOLD PUBLIC HEARING AND TABULATE BALLOTS FOR JACKSON MEADOWS #6
AND MILL CREEK SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT
DISTRICT NUMBER 1**

Recommendation:

1. Open public hearing for Jackson Meadows #6;
2. Accept public input on ballot proceeding;
3. Announce close of public hearing is pending – Any property owner wishing to withdraw their ballot must do so now;
4. Announce close of public hearing is pending – Any property owner wishing to submit a ballot must do so now;
5. Close Jackson Meadows #6 public hearing;
6. Open public hearing for Mill Creek;
7. Accept public input on ballot proceeding;
8. Announce close of public hearing is pending – Any property owner wishing to withdraw their ballot must do so now;
9. Announce close of public hearing is pending – Any property owner wishing to submit a ballot must do so now;
10. Close public hearing for Mill Creek;
11. Take ten-minute recess for ballot tabulation;
12. Accept verbal report from Deputy City Clerk on Jackson Meadows #6 ballot tabulation results; and
13. Accept verbal report from Deputy City Clerk on Mill Creek ballot tabulation results;
14. Adopt Resolution A or B certifying the Jackson Meadows #6 ballot proceeding results; and
15. Adopt Resolution A or B certifying the Mill Creek ballot proceeding results.

Estimated Time: 30 Minutes

11. RECEIVE LEGISLATIVE UPDATE FOR THE POLICE DEPARTMENT

Recommendation:

Accept report.

Estimated Time: 40 Minutes

**12. UPDATES TO SUSTAINABLE MORGAN HILL, ONGOING PRIORITIES, AND 2020-21
STRATEGIC PRIORITIES**

Recommendation:

Adopt updates to Sustainable Morgan Hill and ongoing priorities and establish the City Council's 2020-21 Strategic Priorities.

Estimated Time: 20 Minutes

13. APPROVE UPDATED CITY COUNCIL POLICIES: 97-01 RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS, PLACEMENT OF ITEMS ON THE AGENDA, AND MATTERS TO BE RECONSIDERED, 99-01 SELECTION OF MAYOR PRO TEMPORE, 94-09 PROCLAMATION/RECOGNITION POLICY, AND ADOPT UPDATED RESOLUTION AUTHORIZING MAYOR AND/OR CITY MANAGER TO PREPARE, EXECUTE, AND TRANSMIT COMMUNICATIONS INDICATING A POSITION ON PROPOSED STATE, COUNTY, OR REGIONAL BOARDS' LEGISLATION OR ACTION THAT MAY HAVE AN IMPACT UPON THE CITY

Recommendation:

1. Approve updated City Council Policies: 97-01 Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered, 99-01 Selection of Mayor Pro Tempore, and 94-09 Proclamation/Recognition Policy; and
2. Approve updated resolution authorizing the Mayor and/or City Manager to prepare, execute, and transmit communications indicating a position on proposed State, County, or regional boards' legislation or action on certain matters that may have impacts upon the City in certain circumstances and directing a report back to City Council on any such communications transmitted.

Estimated Time: 30 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation under Government Code Section 54956.9(b)

One Case

RECONVENE

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
- Maintaining Fiscal Responsibility
- 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

2019-2020 Strategic Priorities

- Agricultural Preservation
- Cannabis Policy
- Community Engagement and Messaging
- Economic Development
- Financial Stewardship
- High Speed Rail
- Homelessness
- Housing
- Infrastructure
- Telecommunications
- Traffic/Transportation





CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2020

PREPARED BY: Dat Nguyen, Finance Director

APPROVED BY: City Manager

ACCEPT NOVEMBER 2019 FINANCIAL AND INVESTMENT REPORT

RECOMMENDATION(S)

Accept and file report.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility

Preserving and Cultivating Public Trust

2019 Strategic Priorities

Financial Stewardship

REPORT NARRATIVE:

As part of the City Council's expectation to maintain a high level of transparency and to be responsible stewards of public funds, attached are the Financial and Investment Reports for the month ended November 30, 2019. The Revenue and Expense Summary for all funds, for the month of November is included on the first page. Overall, General Fund revenues through November totaled \$11.5 million or 27% of the budget. Expenditures, including encumbrances, amounted to \$19.1 million through November. The encumbrances represent commitments or contractual obligations with vendors or suppliers such as Cal-West Lighting and Signal Maintenance for the maintenance of City streetlights and traffic signals, and the partnership agreement with the YMCA of Silicon Valley for the management and operation of the Community Recreation Center. The services from these vendors are expected to be utilized by the City and paid throughout the fiscal year.

COMMUNITY ENGAGEMENT: Inform

Finance staff prepares these financial reports in an effort to keep City officials, the Council, the community, and various lenders and stakeholders informed on the financial health of the organization, which assists each one of the interested parties in making sound financial and investment decisions.

ALTERNATIVE ACTIONS:

No alternative action is recommended, as this is a monthly financial report on City transactions which have already occurred.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council receives and files the financial and investment report for each month. At the September 16, 2015 meeting, City Council recommended monthly financial and investment reports be agendaized under the Consent Agenda, and quarterly financial

and investment reports be presented to City Council as an “Other Business” item.

FISCAL AND RESOURCE IMPACT:

The preparation of the report is a part of the Finance workplan.

CEQA (California Environmental Quality Act):

Not a Project.

This report is not a project, as defined in Section 15378 of the State CEQA Guidelines. Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

LINKS/ATTACHMENTS:

1. November 2019 Financial Statement Analysis
2. November 2019 Financial and Investment Report

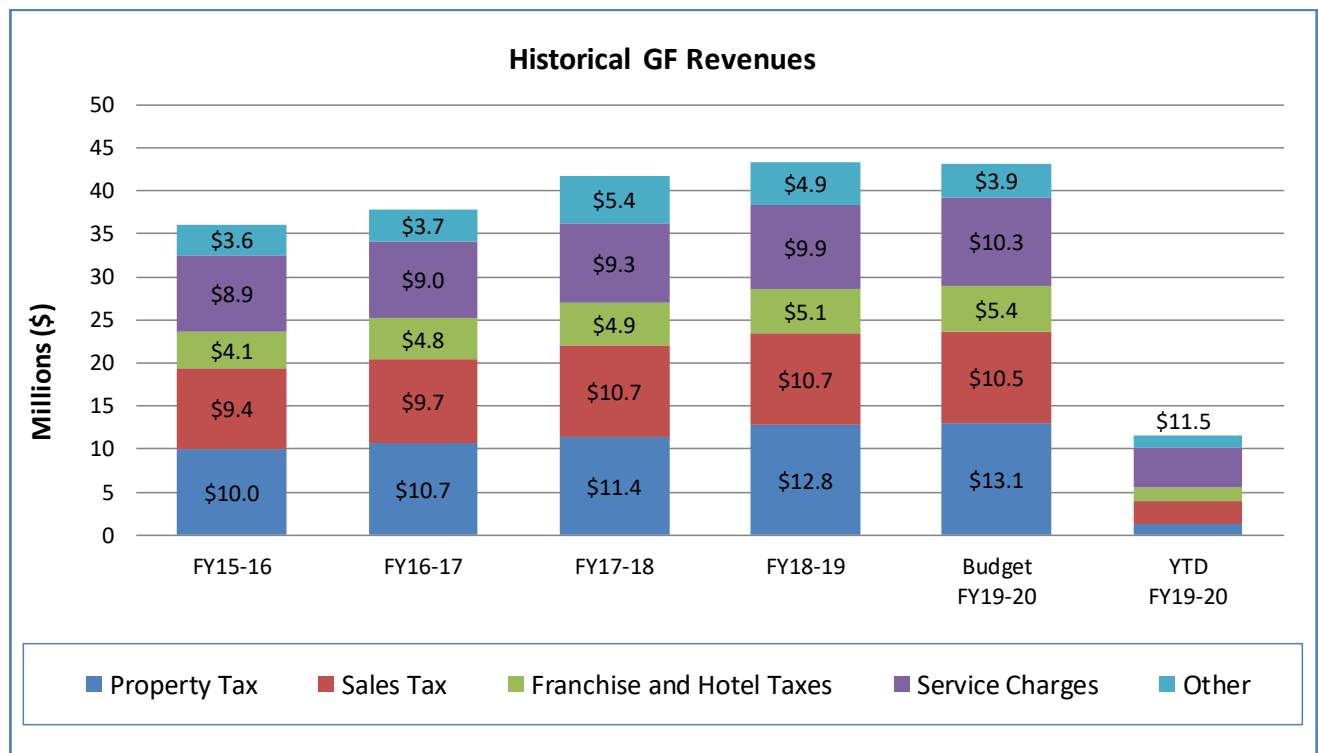


CITY OF MORGAN HILL, CALIFORNIA
FINANCIAL STATEMENT ANALYSIS - FISCAL YEAR 2019-20
FOR THE MONTH ENDED NOVEMBER 2019 – 42% OF YEAR COMPLETE

- **General Fund** – Revenues through the month of November totaled \$11.5 million, or 27% of the budgeted revenues as some of the major revenue categories such as property tax are received later in the fiscal year. With respect to the property tax revenue forecast, the County's most recent estimate projected Morgan Hill property tax revenue, excluding the property transfer tax, at \$14.0 million for the fiscal year 2019-20. The current projection is approximately \$900,000 more than the revised budget, partially attributable to the higher excess Educational Revenue Augmentation Fund (ERAF) distribution and former Redevelopment Agency (RDA) residual apportionment. Excess ERAF is the money that is returned to the cities, counties, and special districts after schools reach their state-mandated thresholds. Former RDA residual apportionment is the residual amount paid to the taxing entities after sufficient funds had been set aside to pay for former RDA enforceable obligations. Property tax is the largest source of Morgan Hill's General Fund revenue. However, it accounts for only 30% of the approximately \$43.2 million General Fund revenue. Although property tax tends to be a more predictable revenue source, other major revenue categories such as sales tax and transient occupancy tax, which account for a large portion of the City's General Fund revenue, are more volatile and tend to fluctuate more with swings in the economy.

The small revenue category of business licenses was already at 62% of the budgeted amount as annual business license renewal payments are usually received in the first few months of the fiscal year.

The chart below shows historical General Fund revenues by major revenue category from FY15-16 through FY18-19 Actual, FY19-20 Budget, and YTD as of November 30, 2019.

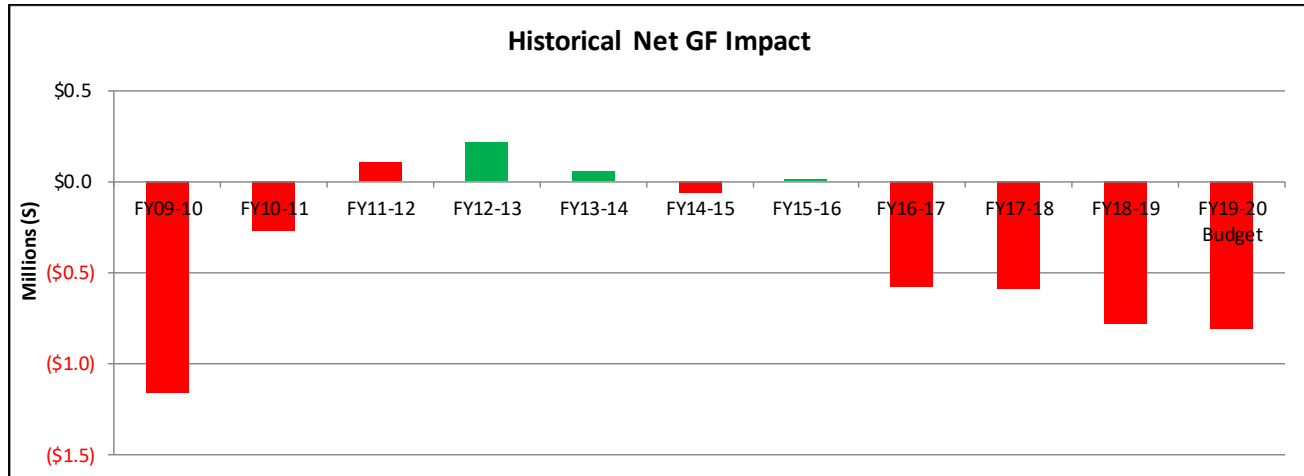


General Fund expenditures and encumbrances as of November 30, 2019 totaled \$19.1 million, of which approximately \$2.4 million is attributable to outstanding encumbrances.



CITY OF MORGAN HILL, CALIFORNIA
FINANCIAL STATEMENT ANALYSIS - FISCAL YEAR 2019-20
FOR THE MONTH ENDED NOVEMBER 2019 – 42% OF YEAR COMPLETE

- **Community Services** - The Community Services Department's recreation operations, as reflected in the schedule presented on page 4 of the Monthly Financial and Investments Reports, shows a negative impact to the General Fund of approximately \$1.4 million through the month of November. Without the carry-over encumbrances, through the month of November operations resulted in a small positive impact to the general fund of approximately \$160,000. Any net impact from the recreation operations increases (decreases) reserves in the General Fund.



Due to longstanding governmental accounting and budgeting convention, the City's recreation operations are not charged for indirect costs (known in Morgan Hill as "General Fund Administration") from the central services departments of City Attorney, City Manager, and Administrative Services. The City's other governmental funds, such as Community Development, and the proprietary funds, such as Water and Wastewater, and the Information Services Fund, are assessed such charges through the City's indirect cost allocation plan, prepared in compliance with the Federal government's OMB Circular No. A-87, which mandates certain calculation and cost allocation practices that must be followed in order to qualify for Federal grant funding, but which also represent best practice for non-grant funded City operations like utilities and information services.

- **Development Services Fund** – Revenues through November totaled \$2.0 million. Expenditures, including encumbrances, totaled \$2.8 million. Without the outstanding encumbrances, however, expenditures through the month of November amounted to \$2.3 million. The fund is budgeted to end the fiscal year with an operating deficit of approximately \$0.7 million. The projected deficit is primarily due to the timing of fee increases, services or new projects unsupported by fees, such as front counter services, responding to public inquiries, tree removal permits, use permits for non-profits and special projects.
- **Debt Service Funds** – Expenditures through the month of November totaled \$0.5 million. The debt service for the first half of the year includes both interest and principal, while the second half of the year will include interest only. Debt service payments were all scheduled when the bonds were issued, and are budgeted for in the months delineated in the underlying bond documents. The General Fund's portion of the annual debt service payments is approximately \$200,000, less than one percent of the General Fund's budgeted revenues.



CITY OF MORGAN HILL, CALIFORNIA
FINANCIAL STATEMENT ANALYSIS - FISCAL YEAR 2019-20
FOR THE MONTH ENDED NOVEMBER 2019 – 42% OF YEAR COMPLETE

- **Wastewater Operations** – Revenues from Sewer Operations through the month of November totaled \$3.9 million. Expenditures and outstanding encumbrances totaled \$4.8 million or approximately 40% of the budget. The table below shows historical Sewer Operations revenues and expenditures from FY15-16 through FY18-19 Actual, FY19-20 Budget, and YTD as of November 30, 2019.

(amount in millions)	FY15-16	FY16-17	FY17-18	FY18-19	Budget FY19-20	YTD FY19-20
Revenues	10.2	9.7	10.3	11.4	12.1	3.9
Expenditures	12.0	9.8	10.8	11.4	12.1	4.8
Operating Margin	(1.8)	(0.1)	(0.5)	-	-	(0.9)
Operating Margin without Encumbrances	(1.8)	(0.0)	(0.3)	0.4	-	(0.3)

- **Water Operations** – Water Operations includes Utility Billing, Water Conservation, and Water Operations. Revenues from Water Operations through the month of November totaled \$5.9 million. Water Operations expenditures, including outstanding encumbrances, totaled \$7.5 million for the year. Without the encumbrances, however, the expenditures amounted to \$6.1 million. The table below shows Water Operations revenues and expenditures from FY15-16 through FY18-19 Actual, FY19-20 Budget, and YTD as of November 30, 2019.

(amount in millions)	FY15-16	FY16-17	FY17-18	FY18-19	Budget FY19-20	YTD FY19-20
Revenues	8.5	10.9	13.0	14.2	14.8	5.9
Expenditures	9.7	11.2	12.1	14.3	15.2	7.5
Operating Margin	(1.2)	(0.3)	0.9	(0.1)	(0.4)	(1.6)
Operating Margin without Encumbrances	(1.2)	(0.1)	1.4	0.8	(0.4)	(0.2)

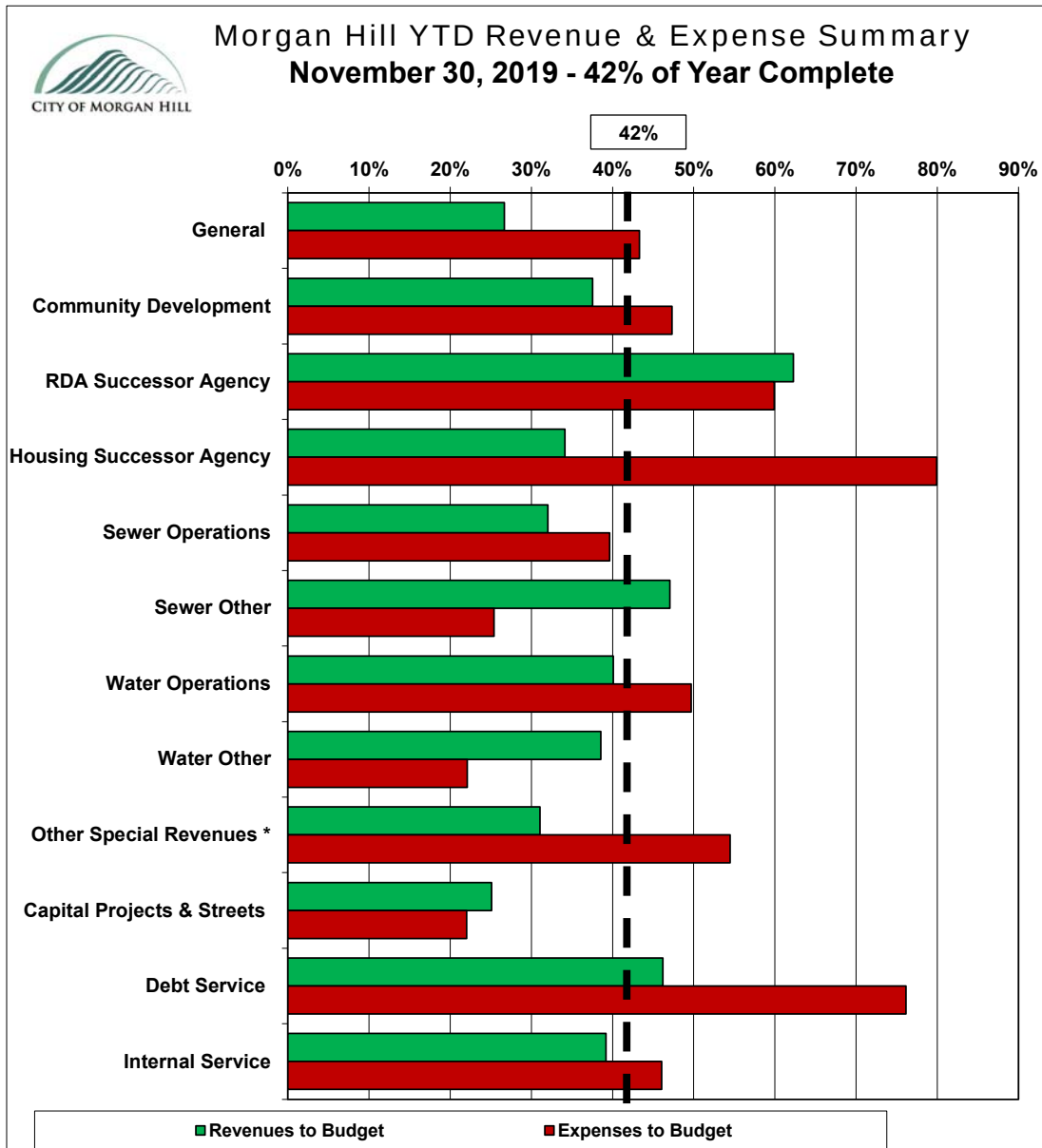
- **Investments** – One security was called and one security was purchased during the month of November 2019. Total interest earnings received on investments were \$134,000 during the month.

CITY OF MORGAN HILL
Monthly Financial and Investment Reports
November 30, 2019 - 42% of Year Complete



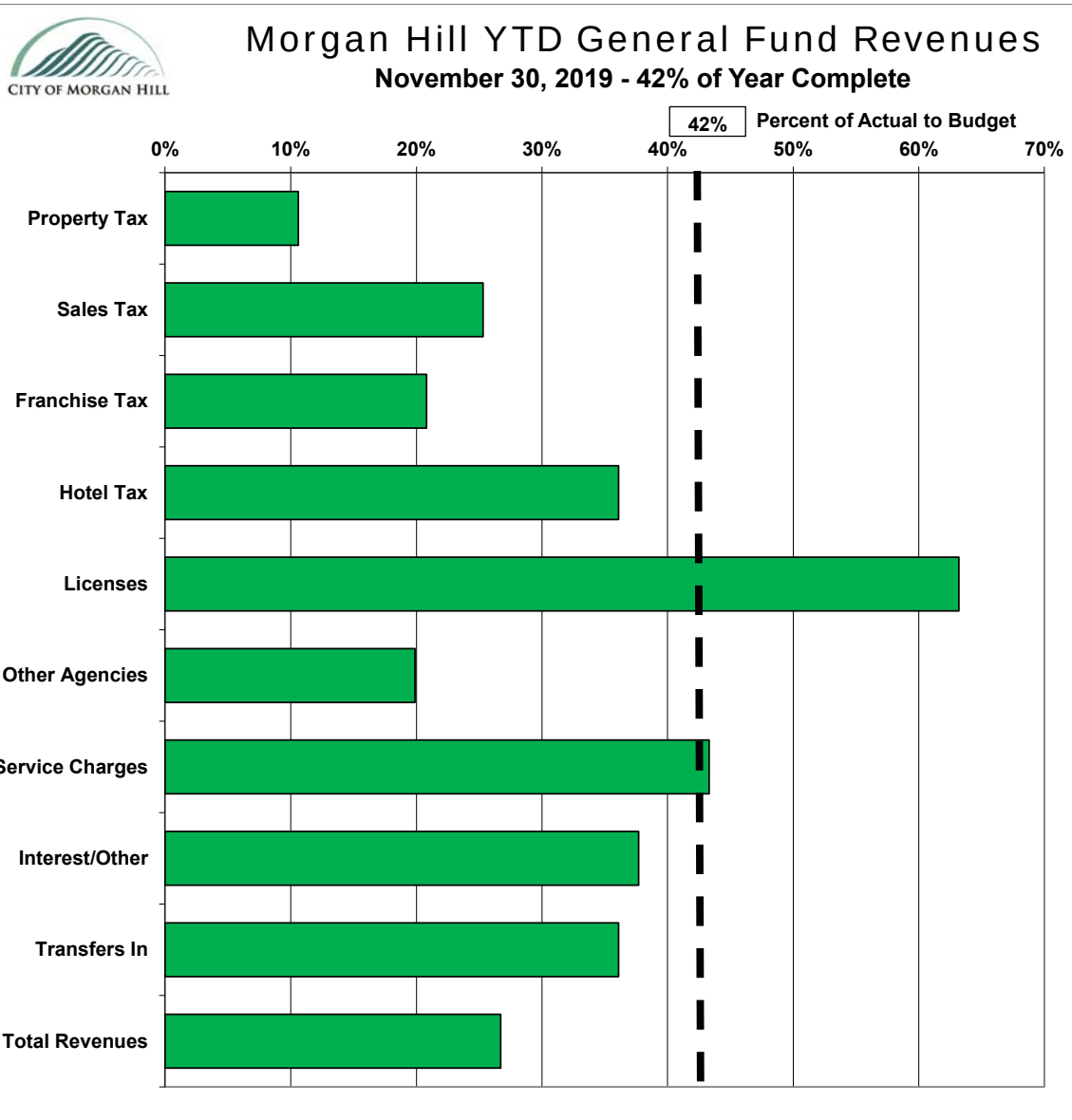
CITY OF MORGAN HILL

Prepared by:
FINANCE DIVISION

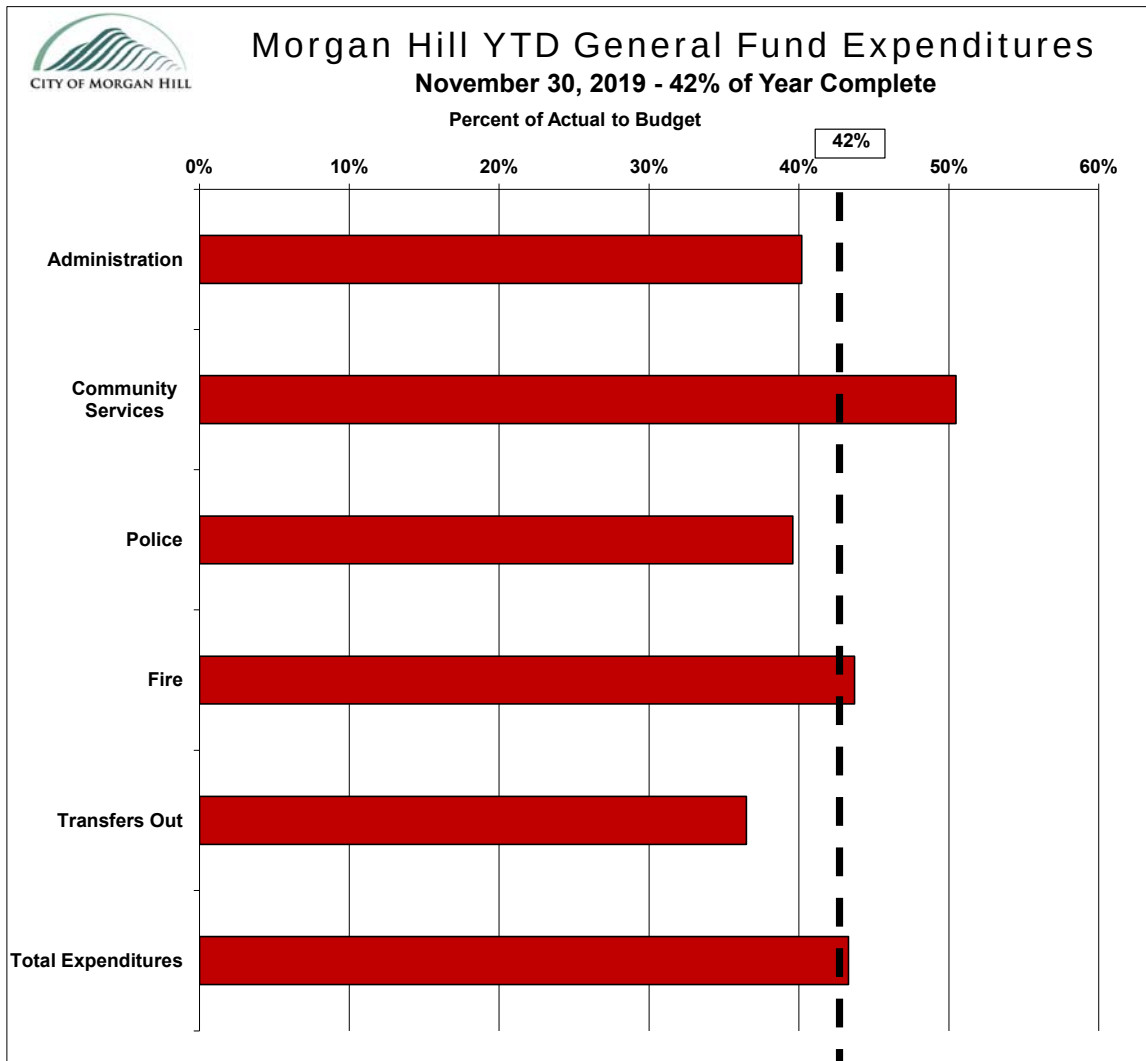


FUND NAME	REVENUES		EXPENSES	
	ACTUAL	% OF BUDGET	ACTUAL PLUS ENCUMBRANCES	% OF BUDGET
General	\$ 11,508,066	27%	\$ 19,051,397	43%
Community Development	1,975,016	38%	2,831,130	47%
RDA Successor Agency	4,318,907	62%	4,177,968	60%
Housing Successor Agency	188,829	34%	747,931	80%
Sewer Operations	3,880,056	32%	4,790,433	40%
Sewer Other	3,745,328	47%	6,023,960	25%
Water Operations	5,924,994	40%	7,547,752	50%
Water Other	2,062,973	39%	1,329,138	22%
Other Special Revenues *	1,198,982	31%	2,101,535	54%
Capital Projects & Streets	5,245,473	25%	13,757,817	22%
Debt Service	313,313	46%	527,039	76%
Internal Service	4,690,275	39%	5,253,364	46%
TOTAL FOR ALL FUNDS	\$ 45,052,212	34%	\$ 68,139,465	35%

* Includes all Special Revenue Funds except Community Development, Street Funds, and RDA and Housing Successor Agencies.



REVENUE CATEGORY	BUDGET	ACTUAL	% OF BUDGET	PRIOR YEAR TO DATE	% CHANGE FROM PRIOR YEAR
Property Tax	\$ 13,082,377	\$ 1,386,201	11%	\$ 1,394,543	-1%
Sales Tax	10,476,000	2,645,506	25%	2,899,710	-9%
Franchise Tax	2,319,566	483,529	21%	487,140	-1%
Hotel Tax	3,080,880	1,112,709	36%	1,057,041	5%
Licenses	206,940	130,826	63%	188,204	-30%
Other Agencies	403,389	80,263	20%	126,618	-37%
Service Charges	10,267,724	4,448,312	43%	4,194,677	6%
Interest/Other	1,471,324	554,440	38%	673,618	-18%
Transfers In	1,847,658	666,279	36%	540,085	23%
TOTAL REVENUES	\$ 43,155,858	\$ 11,508,066	27%	\$ 11,561,635	0%



EXPENDITURE CATEGORY	BUDGET	ACTUAL PLUS ENCUMBRANCES	% OF BUDGET	PRIOR YTD PLUS ENCUMBRANCES	% CHANGE FROM PRIOR YEAR
Administration	\$ 4,835,112	\$ 1,943,418	40%	\$ 2,238,220	-13%
Community Services	12,689,427	6,404,805	50%	5,998,097	7%
Police	17,372,961	6,878,031	40%	7,040,734	-2%
Fire	6,961,396	3,043,479	44%	2,857,292	7%
Transfers Out	2,142,463	781,665	36%	758,765	3%
TOTAL EXPENDITURES	\$ 44,001,359	\$ 19,051,397	43%	\$ 18,893,108	1%

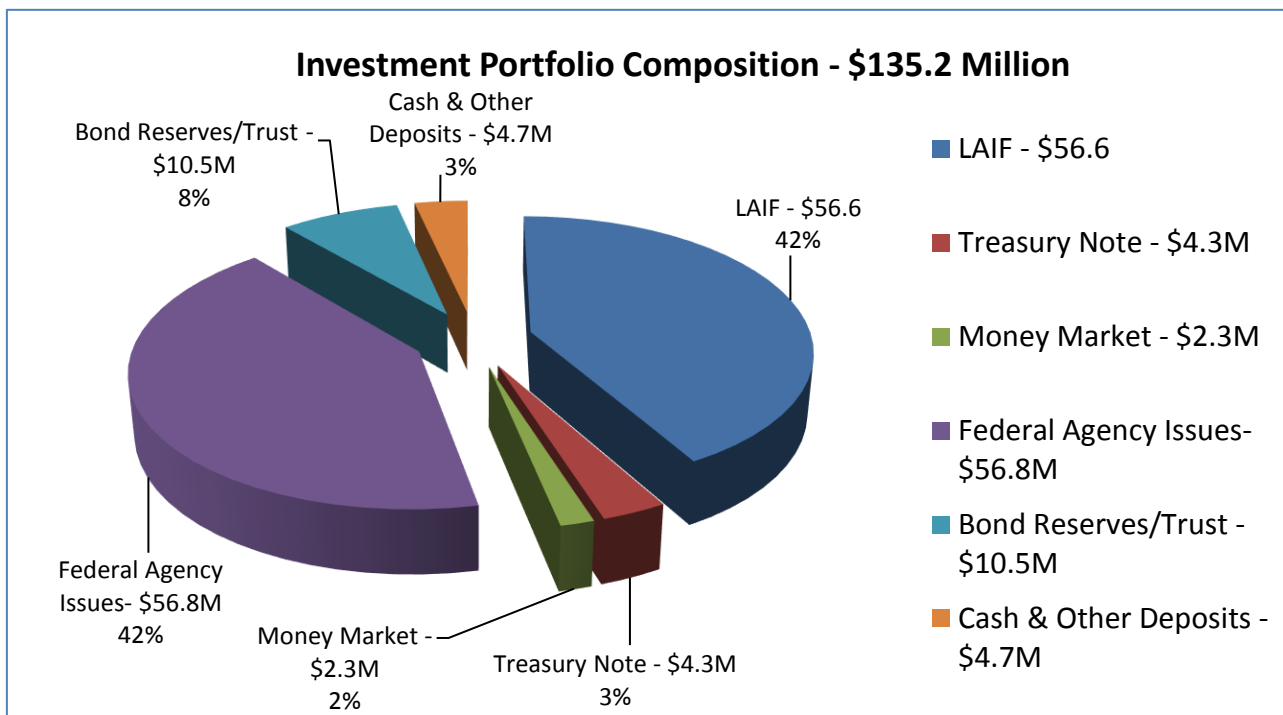


**City of Morgan Hill
Recreation Report - Fiscal Year 2019-20
For the Month and Five Months Ended November 30, 2019
42% of Year Complete**

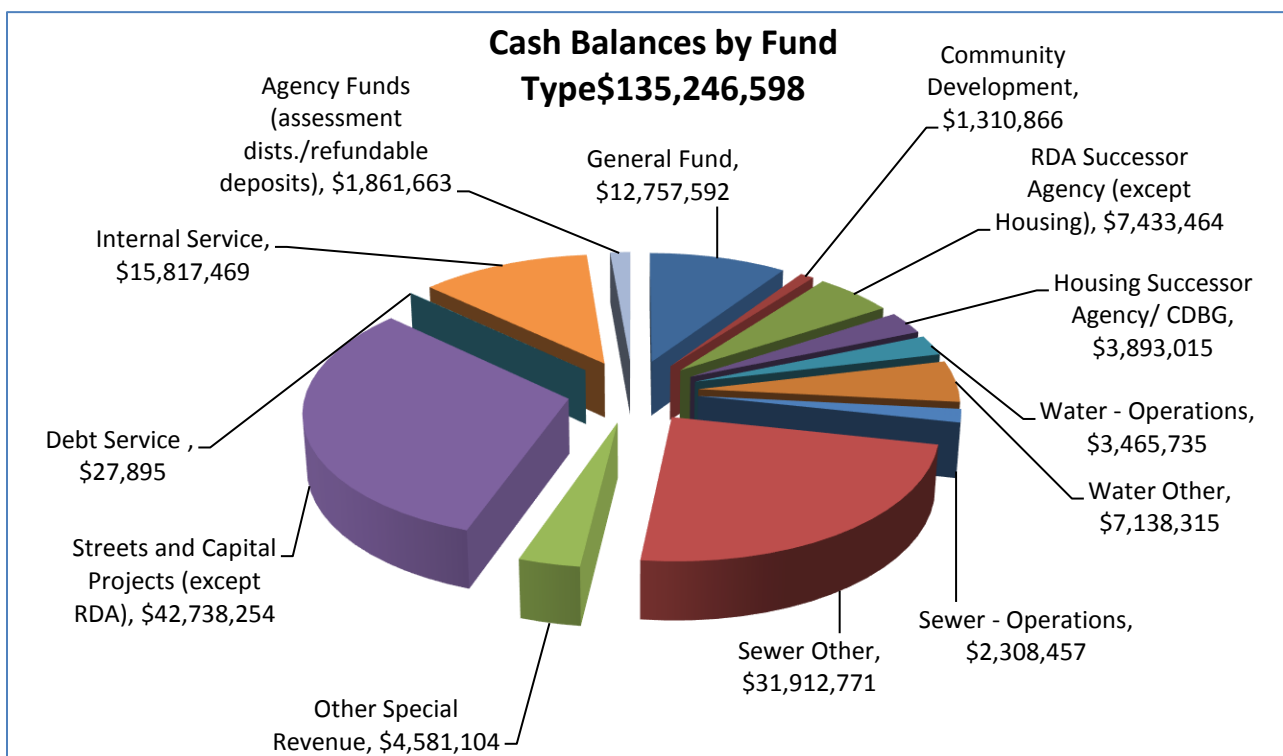
	<u>Budget</u>	<u>November 2019</u>	<u>YTD</u>	<u>% of Budget</u>
Revenues				
Membership Services & Rec Programs	\$ 6,426,631	\$ 474,485	\$ 2,805,450	
Facility Rentals	915,330	62,983	420,957	
Community Services	149,705	1,523	18,450	
Transfers in	75,000	6,250	31,250	
Total Revenues	<u>\$ 7,566,666</u>	<u>\$ 545,241</u>	<u>\$ 3,276,106</u>	43%
Less: Expenditures				
Membership & Program Services	\$ 6,371,297	\$ 357,491	\$ 2,340,000	
Facility Rentals	1,356,318	106,486	545,102	
Community Services	648,407	48,207	231,366	
Total Expenditures	<u>\$ 8,376,023</u>	<u>\$ 512,182</u>	<u>\$ 3,116,469</u>	37%
Net Impact without encumbrances	<u>\$ (809,357)</u>	<u>\$ 33,059</u>	<u>\$ 159,637</u>	
Encumbrances	-	-	1,530,689	
Net Impact with encumbrances	<u>\$ (809,357)</u>	<u>\$ 33,059</u>	<u>\$(1,371,052)</u>	

City of Morgan Hill Monthly Investment Report - November 30, 2019

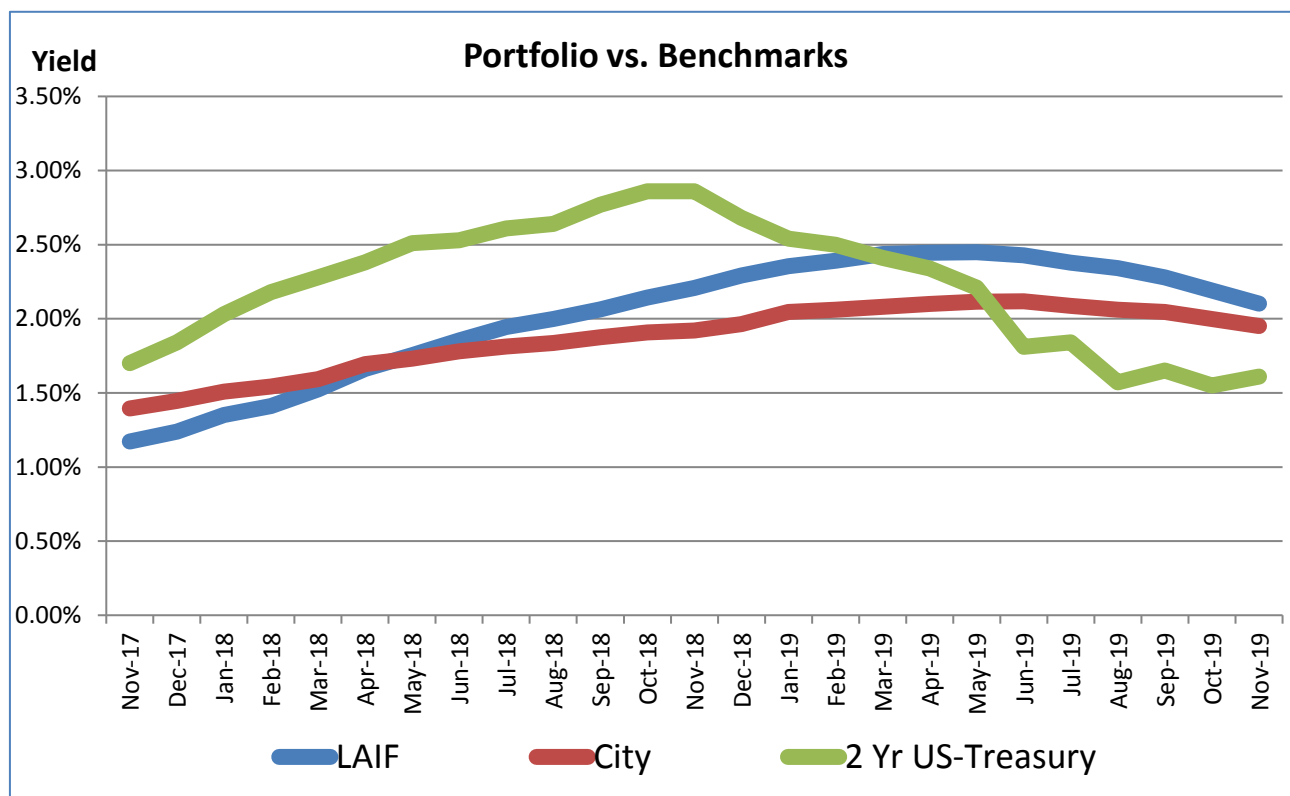
The following are the snapshots of City's investment portfolio as of November 30, 2019. The first chart shows the portfolio composition by investment type:



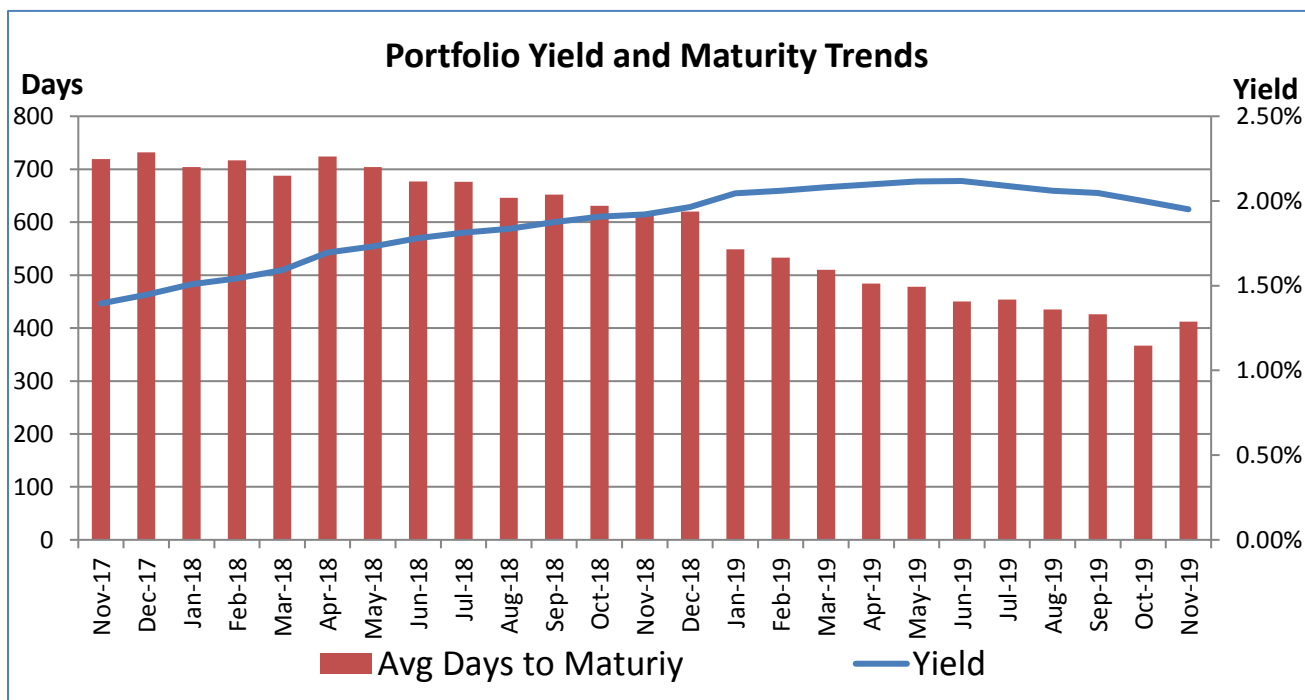
The chart below shows cash balances by fund type reconciled to City's financial system:



The following chart illustrates a yield comparison by month among the City's portfolio, LAIF and 2-Year US Treasury:



The chart below illustrates monthly average days to maturity of the City's portfolio along with the weighted average yield for the past two years:





City of Morgan Hill
Investment Portfolio Detail
As of November 30, 2019

Investment Type	Settlement Date	Book Value	% of Portfolio	Market Value	YTM at Cost	Next Call Date	Date of Maturity
L A I F		\$ 56,601,154	41.85%	\$ 56,694,139	2.10%		
City Managed							
Fed Home Loan Bank	10/19/2015	4,000,000	2.96%	3,999,440	1.70%	10/19/2020	10/19/2020
Fed Home Loan Bank	6/30/2016	4,000,000	2.96%	3,982,360	1.50%	6/30/2020	6/30/2021
Fed Natn'l Mortgage Assn	8/25/2016	4,000,000	2.96%	3,983,040	1.40%	8/25/2020	8/25/2021
Fed Home Loan Mortgage	9/29/2016	2,000,000	1.48%	1,994,340	1.65%	8/29/2020	9/29/2021
Fed Natn'l Mortgage Assn	9/29/2016	4,000,000	2.96%	3,981,000	1.60%	9/29/2020	9/29/2021
Fed Home Loan Mortgage	10/27/2016	4,000,000	2.96%	3,982,680	1.60%	10/27/2020	10/27/2021
Fed Natn'l Mortgage Assn	10/28/2016	4,000,000	2.96%	3,986,040	1.55%	10/28/2020	10/28/2021
Fed Home Loan Mortgage	10/28/2016	2,000,000	1.48%	1,993,600	1.65%	10/28/2020	10/28/2021
Fed Home Loan Mortgage	11/15/2016	4,000,000	2.96%	3,967,680	1.55%	10/15/2020	11/15/2021
Fed Home Loan Mortgage	11/23/2016	3,000,000	2.22%	2,990,790	1.65%	11/23/2020	11/23/2021
Fed Home Loan Mortgage	11/23/2016	4,000,000	2.96%	3,986,320	1.63%	11/23/2020	11/23/2021
Fed Home Loan Mortgage	11/30/2016	4,000,000	2.96%	4,000,520	1.88%	10/26/2020	11/26/2021
Fed Home Loan Mortgage	6/29/2017	1,300,000	0.96%	1,300,364	2.15%	8/29/2020	6/29/2022
Fed Home Loan Bank	10/19/2017	3,850,000	2.85%	3,850,000	2.15%	12/2/2019	10/19/2022
Fed Home Loan Mortgage	7/10/2019	3,000,000	2.22%	3,003,090	2.15%	7/2/2020	7/2/2024
Fed Farm Credit BKS	11/5/2019	3,000,000	2.22%	2,998,260	2.00%	11/5/2020	11/5/2024
Fed Home Loan Bank	9/26/2018	748,962	0.55%	751,598	2.80%	3/30/2020	3/30/2020
Fed Home Loan Mortgage	1/18/2019	999,659	0.74%	1,003,650	2.59%	4/23/2020	4/23/2020
Fed Farm Credit Sys Disc	4/30/2019	898,172	0.66%	899,568	2.39%	12/31/2019	12/31/2019
Treasury Note	4/30/2018	4,328,337	3.20%	4,484,700	2.73%	3/31/2023	3/31/2023
Sub Total/Average		\$ 61,125,131	45.20%	\$ 61,139,040	1.82%		
Money Market		\$ 2,251,770	1.66%	\$ 2,251,770	1.52%		
Total City Managed/Average		\$ 119,978,055	88.71%	\$ 120,084,949	1.95%		
Bond Reserve Accounts - Held By Trustees		\$ 7,965,110	5.89%	\$ 7,965,110			
Cash/Deposits		\$ 4,716,029	3.49%	\$ 4,716,029			
PARS Trust		\$ 2,587,404	1.91%	\$ 3,055,650			
GRAND TOTAL/AVERAGE		\$ 135,246,598	100%	\$ 135,821,738			

Attachment: November 2019 Financial and Investment Report (2625 : November 2019 Financial and Investment Report)



CITY OF MORGAN HILL CASH AND INVESTMENT REPORT
FOR THE MONTH OF NOVEMBER 30, 2019
FOR THE FISCAL YEAR OF 2019-20

	Invested in Fund	Yield	Book Value End of Month	% of Total	Market Value
Investments					
State Treasurer LAIF - City	All Funds Pooled	2.10%	\$ 53,675,174	39.69%	\$ 53,763,352
2015 Wastewater Rev Bonds - CIP	Wastewater Fund	2.10%	2,925,980	2.16%	2,930,787
Federal Issues	All Funds Pooled	1.73%	56,796,794	41.99%	56,654,340
US Treasury Notes	All Funds Pooled	2.73%	4,328,337	3.20%	4,484,700
Dreyfus Treas Cash Management Acct	All Funds Pooled	1.52%	2,251,770	1.66%	2,251,770
	SUBTOTAL		\$ 119,978,055	88.71%	\$ 120,084,949
Bond Reserve Accounts - held by trustees					
Zions Bank - Civic Center/Library Facility					
Blackrock Liq Fund	Debt Service	1.28%	199	0.00%	199
Zions Bank - MH Police Facility Lease Revenue Bonds					
Blackrock Liq Fund	Debt Service	1.28%	254	0.00%	254
BNY - RDA Bonds					
Dreyfus Cash Mgmt 521	Successor Fund	1.52%	7,443,741	5.50%	7,443,741
Zions Bank - MH Ranch 2015					
Blackrock Liq Funds Fed Fund -DI -2015	Agency Fund	1.28%	256,860	0.19%	256,860
Zions Bank - Madrone Bus Park Taxable/ Tax Exempt 2015					
Blackrock Liquidity Temp Fund-2015	Agency Fund	1.28%	264,056	0.20%	264,056
	SUBTOTAL		7,965,110	5.89%	7,965,110
Other Cash/Deposits					
General Checking	All Funds		4,678,917	3.46%	4,678,917
Workers' Comp Administrators	Workers' Comp		30,000	0.02%	30,000
Petty Cash & Emergency Cash	General Fund		7,112	0.01%	7,112
PARS - OPEB Trust			1,787,404	1.32%	2,108,951
PARS - PENSION Trust			800,000	0.59%	946,699
	SUBTOTAL		7,303,433	5.40%	7,771,679
Total Cash and Investments			\$ 135,246,598	100.00%	\$ 135,821,738

CASH ACTIVITY SUMMARY
FY 2019-20

Fund Type	07/1/19 Balance	Change in Cash Balance	11/30/2019 Balance
General Fund	\$ 15,044,885	\$ (2,287,294)	\$ 12,757,592
Community Development	3,419,872	(2,109,006)	1,310,866
RDA Successor Agency (except Housing)	12,277,198	(4,843,734)	7,433,464
Housing Successor Agency/ CDBG	4,150,303	(257,288)	3,893,015
Water - Operations	2,317,454	1,148,281	3,465,735
Water Other	4,954,819	2,183,495	7,138,315
Sewer - Operations	1,505,059	803,398	2,308,457
Sewer Other	29,212,866	2,699,905	31,912,771
Other Special Revenue	5,052,285	(471,181)	4,581,104
Streets and Capital Projects (except RDA)	42,155,711	582,542	42,738,254
Debt Service	253,454	(225,559)	27,895
Internal Service	12,991,987	2,825,482	15,817,469
Agency Funds (assessment dists./refundable deposits)	4,116,381	(2,254,719)	1,861,663
Total	\$ 137,452,276	\$ (2,205,679)	\$ 135,246,598

Note: See Investment Portfolio Detail for maturities of "Investments." Market values are obtained from the City's investment brokers' monthly reports.

I certify the information on the investment reports on pages has been reconciled to the general ledger and bank statements and that there are sufficient funds to meet the expenditure requirements of the City for the next six months. The portfolio is in compliance with the City of Morgan Hill investment policy and all State laws and regulations.

Prepared by:

Gina Nazareno, Senior Accountant

Approved by:

Reviewed by:

Dat Nguyen, Finance Director

David Clink, Treasurer



City of Morgan Hill
Year to Date Revenues - Fiscal Year 2019-20
For the Five Months Ended November 30, 2019
42% of Year Complete

FUND REVENUE SOURCE	ADOPTED BUDGET	AMENDED BUDGET	CURRENT YTD ACTUAL	% OF BUDGET	PRIOR YTD	INCR (DECR) FROM PRIOR YTD	% CHANGE
010 GENERAL FUND							
TAXES							
Property Tax - Secured/Unsecured	\$ 11,189,507	\$ 11,189,507	\$ 1,340,671	12%	\$ 1,272,687	\$ 67,984	5%
Property Tax - RPTTF Residual Distribution	1,573,610	1,573,610	-	n/a	73,755	(73,755)	-100%
Property Tax - Supplemental Roll	319,260	319,260	45,530	14%	48,101	(2,571)	-5%
Sales Tax	10,091,000	10,091,000	2,557,306	25%	2,776,779	(219,473)	-8%
Public Safety Sales Tax	385,000	385,000	88,201	23%	122,932	(34,731)	-28%
Transient Occupancy Taxes	3,080,880	3,080,880	1,112,709	36%	1,057,041	55,668	5%
Franchise (Refuse, Cable, PG&E)	2,319,566	2,319,566	483,529	21%	487,140	(3,611)	-1%
Property Transfer Tax	515,000	515,000	190,113	37%	194,598	(4,485)	-2%
TOTAL TAXES	29,473,823	29,473,823	5,818,059	20%	6,033,032	(214,973)	-4%
LICENSES/PERMITS							
Business License	202,000	202,000	125,405	62%	184,695	(59,290)	-32%
Other Permits	4,940	4,940	5,421	110%	3,509	1,912	54%
TOTAL LICENSES/PERMITS	206,940	206,940	130,826	63%	188,204	(57,378)	-30%
FINES AND PENALTIES							
Parking Enforcement	8,500	8,500	2,143	25%	2,662	(519)	-19%
Bails & Fines	73,645	73,645	16,901	23%	34,571	(17,670)	-51%
Administrative Citations	9,785	9,785	24,306	248%	102	24,204	23823%
TOTAL FINES AND PENALTIES	91,930	91,930	43,350	47%	37,335	6,015	16%
OTHER AGENCIES							
Motor Vehicle in-Lieu	24,652	24,652	-	n/a	-	-	n/a
Other Revenue - Other Agencies	403,389	403,389	80,263	20%	126,618	(46,356)	-37%
TOTAL OTHER AGENCIES	428,041	428,041	80,263	19%	126,618	(46,356)	-37%
CHARGES CURRENT SERVICES							
Police False Alarm Charge	33,990	33,990	10,037	30%	18,409	(8,372)	-45%
Business License Application Review	36,000	36,000	18,588	52%	20,882	(2,294)	-11%
Membership Services & Rec Programs	6,426,631	6,426,631	2,805,450	44%	2,789,811	15,639	1%
Facility Rentals	915,330	915,330	420,957	46%	418,557	2,400	1%
Community Services	149,705	149,705	18,450	12%	27,341	(8,891)	-33%
General Administration Overhead	1,795,198	1,795,198	746,425	42%	710,880	35,545	5%
Other Charges Current Services	910,870	910,870	428,406	47%	208,798	219,608	105%
TOTAL CURRENT SERVICES	10,267,724	10,267,724	4,448,312	43%	4,194,677	253,635	6%
OTHER REVENUE							
Use of money/property	517,900	517,900	224,594	43%	166,632	57,961	35%
Other Revenues	311,842	321,842	96,383	30%	275,052	(178,669)	-65%
TOTAL OTHER REVENUE	829,742	839,742	320,977	38%	441,684	(120,708)	-27%
TRANSFERS IN							
One Time Transfer	180,000	180,000	74,995	42%	-	74,995	0%
Asset Seizure	-	-	-	n/a	-	-	0%
Public Safety	100,000	100,000	92,415	92%	48,809	43,605	89%
Fire Impact	-	25,000	25,000	100%	-	25,000	0%
Streets	738,968	738,968	138,995	19%	158,460	(19,466)	-12%
Park Maintenance	-	-	-	n/a	-	-	n/a
Police Impact	25,000	25,000	10,415	42%	10,415	-	n/a
Sewer Operations	351,845	351,845	146,605	42%	145,575	1,030	1%
Water Operations	351,845	351,845	146,605	42%	145,575	1,030	1%
Park Development	75,000	75,000	31,250	42%	31,250	-	n/a
TOTAL TRANSFERS IN	1,822,658	1,847,658	666,279	36%	540,085	126,194	23%
TOTAL GENERAL FUND	43,120,858	43,155,858	11,508,066	27%	11,561,635	(53,570)	0%
SPECIAL REVENUE FUNDS							
202 STREET MAINTENANCE							
Gas Tax 2105 - 2107.5	738,968	738,968	245,971	33%	230,375	15,595	7%
Interest / Other Revenue/Other Charges	-	-	953	n/a	1,025	(72)	-7%
202 STREET MAINTENANCE	738,968	738,968	246,924	33%	231,401	15,523	7%



City of Morgan Hill
Year to Date Revenues - Fiscal Year 2019-20
For the Five Months Ended November 30, 2019
42% of Year Complete

FUND REVENUE SOURCE	ADOPTED BUDGET	AMENDED BUDGET	CURRENT YTD ACTUAL	% OF BUDGET	PRIOR YTD	INCR (DECR) FROM PRIOR YTD	% CHANGE
SPECIAL REVENUE FUNDS							
205 PUBLIC SAFETY TRUST							
Interest Income	135	135	679	503%	429	250	58%
Police Grant/SLEF/JAG	100,000	100,000	72,614	73%	65,413	7,201	11%
205 PUBLIC SAFETY TRUST	100,135	100,135	73,293	73%	65,842	7,451	11%
206 DEVELOPMENT SERVICES							
Building Fees	3,275,864	3,275,864	1,317,613	40%	1,456,422	(138,809)	-10%
Planning Fees	1,476,912	1,476,912	555,996	38%	456,916	99,080	22%
Engineering Fees	495,977	495,977	85,710	17%	242,050	(156,340)	-65%
Other Revenue/Current Charges	14,682	14,682	15,697	107%	24,119	(8,422)	-35%
206 DEVELOPMENT SERVICES	5,263,435	5,263,435	1,975,016	38%	2,179,507	(204,491)	-9%
207 LONG RANGE PLANNING	736,371	736,371	315,467	43%	339,444	(23,977)	-7%
215 and 216 HCD BLOCK GRANT							
Interest Income/Other Revenue	3,660	3,660	446	12%	423	23	5%
215 and 216 HCD BLOCK GRANT	3,660	3,660	446	12%	423	23	5%
225 ASSET SEIZURE	2,227	2,227	16,777	753%	2,092	14,685	702%
229 LIGHTING AND LANDSCAPE	189,158	189,158	1,222	1%	1,016	206	20%
230 COMMUNITY FACILITIES DISTRICT	44,504	44,504	535	1%	10,528	(9,993)	-95%
232 ENVIRONMENTAL PROGRAMS	409,843	409,843	184,285	45%	191,898	(7,613)	-4%
234 MOBILE HOME PARK RENT STAB.	873	873	6,026	690%	8,814	(2,788)	-32%
235 SENIOR HOUSING	4,462	4,462	1,602	36%	1,444	158	11%
236 HOUSING MITIGATION	2,336,690	2,336,690	589,871	25%	661,995	(72,124)	-11%
240 EMPLOYEE ASSISTANCE	29,256	29,256	7,887	27%	9,370	(1,482)	-16%
247 ENVIRONMENT REMEDIATION	2,824	2,824	1,571	56%	879	692	79%
250 COMH-SUCCESSOR AGENCY-MHRDA	6,935,750	6,935,750	4,318,907	62%	864,950	3,453,957	399%
255 HOUSING SUCCESSOR AGENCY	553,622	553,622	188,829	34%	34,625	154,203	445%
TOTAL SPECIAL REVENUE FUNDS	17,351,779	17,351,779	7,928,657	46%	4,604,228	3,324,429	72%
CAPITAL PROJECTS FUNDS							
301 PARK DEVELOPMENT	2,647,562	2,677,562	476,376	18%	1,103,678	(627,302)	-57%
302 PARK MAINTENANCE	1,371,696	1,371,696	173,506	13%	341,463	(167,957)	-49%
303 LOCAL DRAINAGE	1,652,576	1,652,576	79,649	5%	338,431	(258,781)	-76%
304 LOCAL DRAINAGE/NON AB1600	83,498	83,498	10,935	13%	92,871	(81,936)	-88%
306 AGRICULTURE & OPEN SPACE PRESERVATION	3,420,324	3,420,324	634,300	19%	1,682,468	(1,048,168)	-62%
308 STREET CIP	5,068,938	5,068,938	2,187,223	43%	1,479,055	708,168	48%
309 TRAFFIC IMPACT	1,283,196	1,283,196	690,913	54%	1,246,671	(555,758)	-45%
311 POLICE IMPACT	295,109	295,109	92,021	31%	163,980	(71,960)	-44%
313 FIRE IMPACT	469,220	469,220	61,851	13%	155,766	(93,915)	-60%
346 PUBLIC FACILITIES NON-AB1600	630,420	630,420	-	n/a	131,004	(131,004)	-100%
347 PUBLIC FACILITIES IMPACT	221,932	221,932	104,626	47%	112,719	(8,093)	-7%
348 LIBRARY	936,224	936,224	170,203	18%	427,886	(257,683)	-60%
350 UNDERGROUNDING	50,079	50,079	6,040	12%	138,534	(132,494)	-96%
355 SCHOOL PEDESTRIAN/TRAFFIC SAFETY	656,864	656,864	18,128	3%	18,042	86	0%
360 COMMUNITY/REC IMPACT FUND	1,359,693	1,359,693	292,780	22%	478,015	(185,235)	-39%
TOTAL CAPITAL PROJECTS FUNDS	20,147,331	20,177,331	4,998,550	25%	7,910,583	(2,912,033)	-37%
DEBT SERVICE FUNDS							
420 CIVIC CENTER DEBT	301,874	301,874	125,846	42%	124,587	1,260	1%
441 POLICE FACILITY BOND	376,090	376,090	187,467	50%	187,523	(56)	0%
TOTAL DEBT SERVICE FUNDS	677,964	677,964	313,313	46%	312,109	1,204	0%

Attachment: November 2019 Financial and Investment Report (2625 : November 2019 Financial and Investment Report)



City of Morgan Hill
Year to Date Revenues - Fiscal Year 2019-20
For the Five Months Ended November 30, 2019
42% of Year Complete

FUND REVENUE SOURCE	ADOPTED BUDGET	AMENDED BUDGET	CURRENT YTD ACTUAL	% OF BUDGET	PRIOR YTD	INCR (DECR) FROM PRIOR YTD	% CHANGE
ENTERPRISE FUNDS							
640 SEWER OPERATION							
Sewer Service Fees	11,746,083	11,746,083	3,747,687	32%	3,460,406	287,280	8%
Interest Income/Transfers	43,166	43,166	30,727	71%	12,648	18,079	143%
Other Revenue/Current Charges	328,660	328,660	101,642	31%	155,840	(54,199)	-35%
640 SEWER OPERATION	12,117,909	12,117,909	3,880,056	32%	3,628,895	251,161	7%
641 SEWER EXPANSION							
Interest Income	253,972	253,972	137,550	54%	112,136	25,415	23%
Development Impact Fee	4,801,041	4,801,041	2,358,056	49%	2,911,633	(553,577)	-19%
Transfers/Other	-	-	-	n/a	-	-	0%
641 SEWER EXPANSION	5,055,013	5,055,013	2,495,606	49%	3,023,769	(528,162)	-17%
642 SEWER RATE STABILIZATION	52,262	52,262	18,400	35%	16,591	1,809	11%
643 SEWER-CAPITAL PROJECT	2,853,531	2,853,531	1,231,322	43%	1,197,488	33,834	3%
TOTAL SEWER FUNDS	20,078,715	20,078,715	7,625,384	38%	7,866,743	(241,359)	-3%
650 WATER OPERATION							
Water Sales	13,400,000	13,400,000	5,301,692	40%	4,895,386	406,307	8%
Meter Install & Service	125,500	125,500	4,702	4%	80,633	(75,931)	-94%
Transfers-In / Interest Income	478,039	478,039	205,343	43%	187,108	18,235	10%
Other Revenue/Current Charges	776,961	776,961	413,257	53%	489,664	(76,407)	-16%
650 WATER OPERATION	14,780,500	14,780,500	5,924,994	40%	5,652,791	272,203	5%
651 WATER EXPANSION							
Interest Income/Other Revenue/Transfer	73,821	73,821	18,150	25%	19,522	(1,371)	-7%
Development Impact Fee	1,452,925	1,452,925	439,701	30%	761,585	(321,884)	-42%
651 WATER EXPANSION	1,526,746	1,526,746	457,852	30%	781,107	(323,255)	-41%
652 Water Rate Stabilization	11,107	11,107	12,350	111%	3,550	8,801	248%
653 Water Capital Project	3,812,288	3,812,288	1,592,771	42%	1,103,779	488,992	44%
TOTAL WATER FUNDS	20,130,641	20,130,641	7,987,967	40%	7,541,226	446,742	6%
TOTAL ENTERPRISE FUNDS	40,209,356	40,209,356	15,613,351	39%	15,407,968	205,383	1%
INTERNAL SERVICE FUNDS							
730 INFORMATION SYSTEMS	1,783,719	1,783,719	755,101	42%	783,267	(28,166)	-4%
740 BUILDING MAINTENANCE	3,258,548	3,258,548	1,340,796	41%	1,369,278	(28,482)	-2%
741 BUILDING REPLACEMENT	831,677	831,677	333,101	40%	319,737	13,363	4%
745 CIP ADMINISTRATION	1,871,909	1,871,909	635,658	34%	535,934	99,724	19%
760 UNEMPLOYMENT INSURANCE	2,898	2,898	983	34%	1,037	(53)	-5%
770 WORKERS COMPENSATION	800,422	800,422	341,042	43%	354,055	(13,013)	-4%
790 EQUIPMENT REPLACEMENT	1,052,269	1,119,217	507,622	45%	451,815	55,807	12%
791 EMPLOYEE BENEFITS	1,229,852	1,229,852	329,555	27%	566,050	(236,495)	-42%
795 GENERAL LIABILITY INSURANCE	1,076,586	1,076,586	446,418	41%	425,130	21,288	5%
TOTAL INTERNAL SERVICE FUNDS	11,907,880	11,974,828	4,690,275	39%	4,806,303	(116,028)	-2%
TOTAL FOR ALL FUNDS	\$ 133,415,168	\$ 133,547,116	\$ 45,052,212	34%	\$ 44,602,826	\$ 449,386	1%



City of Morgan Hill
 Year to Date Expenses - Fiscal Year 2019-20
 For the Month and Five Months Ended November 30, 2019
 42% of Year Complete

FUND NO.	FUND/ACTIVITY	CURRENT MONTH ACTUAL EXPENSES	AMENDED BUDGET	YTD EXPENSES	OUTSTANDING ENCUMBRANCE	TOTAL ALLOCATED	PERCENT OF TOTAL TO BUDGET	PRIOR YTD
010 GENERAL FUND								
I. ADMINISTRATION								
	CITY COUNCIL	\$ 34,726	\$ 336,684	\$ 178,712	\$ 25,000	\$ 203,712	61%	\$ 9,312
	CITY ATTORNEY	53,228	763,698	262,191	120,280	382,471	50%	25,000
	CITY MANAGER	34,327	580,167	176,948	-	176,948	30%	25,000
	HUMAN RESOURCES	46,392	751,908	267,270	-	267,270	36%	30,000
	COUNCIL SVCS & RECORDS MGMT							
	Council Svcs & Records Mgmt	38,319	601,560	224,810	6,131	230,941	38%	24,000
	Elections	2,242	178,037	14,080	-	14,080	8%	1,000
	COUNCIL SVCS & RECORDS MGMT	40,560	779,597	238,890	6,131	245,021	31%	25,000
	FINANCE	139,378	1,623,059	649,699	18,297	667,996	41%	68,000
	TOTAL ADMINISTRATION	348,612	4,835,112	1,773,710	169,708	1,943,418	40%	1,850,000
II. COMMUNITY SERVICES								
	Membership Services & Rec. Programs	357,491	6,371,297	2,340,000	1,374,073	3,714,073	58%	2,310,000
	Recreation Facility Rentals	106,486	1,356,318	545,102	24,430	569,532	42%	54,000
	Community Services	48,207	648,407	231,366	132,186	363,553	56%	21,000
	Environmental Services	16,687	293,918	85,683	-	85,683	29%	8,000
	Street Maintenance	162,762	2,386,836	717,420	240,183	957,603	40%	92,000
	Downtown Maintenance	33,261	321,475	123,609	56,386	179,995	56%	14,000
	Cable Television	1,675	22,594	8,654	-	8,654	38%	1,000
	COMMUNITY SERVICES	726,568	11,400,845	4,051,834	1,827,258	5,879,092	52%	4,230,000
	CODE COMPLIANCE	11,862	160,943	60,233	-	60,233	37%	5,000
	INFRASTRUCTURE PLANNING & CONGESTION MGMT	20,010	318,537	103,127	-	103,127	32%	3,000
	ECONOMIC DEVELOPMENT PROGRAMS	63,143	809,102	264,276	98,077	362,354		24,000
	TOTAL COMMUNITY SERVICES	821,582	12,689,427	4,479,470	1,925,335	6,404,805	50%	4,570,000
III. PUBLIC SAFETY								
	POLICE							
	PD Administration	167,746	1,300,288	556,698	11,485	568,183	44%	54,000
	Field Operations	661,203	9,094,915	3,450,869	197,552	3,648,421	40%	3,050,000
	Support Services	166,785	2,318,572	904,398	13,500	917,898	40%	90,000
	Emergency Services/Haz Mat	13,264	195,641	67,842	-	67,842	35%	6,000
	Special Operations	194,055	2,747,543	981,053	-	981,053	36%	78,000
	Dispatch Services	130,066	1,716,002	694,634	-	694,634	40%	64,000
	POLICE	1,333,119	17,372,961	6,655,494	222,537	6,878,031	40%	6,000,000
	FIRE	523,104	6,961,396	2,959,091	84,388	3,043,479	44%	2,790,000
	TOTAL PUBLIC SAFETY	1,856,223	24,334,358	9,614,585	306,925	9,921,510	41%	8,800,000
IV. TRANSFERS								
	Other	156,333	2,142,463	781,665	-	781,665	36%	75,000
	TOTAL TRANSFERS	156,333	2,142,463	781,665	-	781,665	36%	75,000
	TOTAL GENERAL FUND	3,182,750	44,001,359	16,649,429	2,401,968	19,051,397	43%	15,980,000

Attachment: November 2019 Financial and Investment Report (2625 : November 2019 Financial and Investment Report)



City of Morgan Hill
 Year to Date Expenses - Fiscal Year 2019-20
 For the Month and Five Months Ended November 30, 2019
 42% of Year Complete

FUND NO.	FUND/ACTIVITY	CURRENT MONTH ACTUAL EXPENSES	AMENDED BUDGET	YTD EXPENSES	OUTSTANDING ENCUMBRANCE	TOTAL ALLOCATED	PERCENT OF TOTAL TO BUDGET	PRIOR YTD
SPECIAL REVENUE FUNDS								
202	STREET MAINTENANCE	342	743,072	140,705	-	140,705	19%	16%
205	PUBLIC SAFETY/SUPP.LAW	572	106,863	95,275	-	95,275	89%	5%
206	DEVELOPMENT SERVICES FUND							
	Planning	175,024	2,516,024	852,798	67,631	920,430	37%	93%
	Building	162,302	1,998,366	828,891	228,738	1,057,629	53%	68%
	Engineering	144,112	1,469,242	576,822	276,249	853,071	58%	54%
206	DEVELOPMENT SERVICES FUND	481,438	5,983,632	2,258,511	572,619	2,831,130	47%	2,16%
207	LONG RANGE PLANNING	46,997	736,054	176,360	193,865	370,225	50%	25%
215/216	CDBG	434	5,209	2,170	-	2,170	42%	1%
225	ASSET SEIZURE	-	-	-	-	-	0%	-
229	LIGHTING AND LANDSCAPE	14,707	206,031	76,356	39,187	115,543	56%	8%
230	COMMUNITY FACILITIES DISTRICT	2,808	46,979	13,958	-	13,958	30%	11%
232	ENVIRONMENT PROGRAMS	47,754	439,095	165,334	26,136	191,470	44%	15%
234	MOBILE HOME PARK	35	425	175	-	175	41%	-
236	HOUSING MITIGATION	48,060	2,285,207	1,138,569	154,030	1,292,600	57%	1,28%
240	EMPLOYEE ASSISTANCE	2,081	28,477	18,934	-	18,934	66%	4%
247	ENVIRONMENTAL REMEDIATION	113	-	1,185	-	1,185	0%	1%
250	COMH-SUCCESSOR AGENCY-MHRDA	4,905	6,973,161	4,177,968	-	4,177,968	60%	5,88%
255	HOUSING SUCCESSOR AGENCY	72,824	935,845	419,773	328,158	747,931	80%	80%
TOTAL SPECIAL REVENUE FUNDS		723,069	18,490,050	8,685,272	1,313,996	9,999,268	54%	10,86%
CAPITAL PROJECT FUNDS								
301	PARK DEVELOPMENT	95,715	12,547,895	348,118	908,986	1,257,104	10%	15%
302	PARK MAINTENANCE	152,609	1,227,852	490,884	106,277	597,161	49%	47%
303	LOCAL DRAINAGE	68,200	2,924,734	95,178	405,181	500,360	17%	4%
304	LOCAL DRAIN. NON-AB1600	2,773	486,660	11,266	9,582	20,848	4%	-
306	AGRICULTURE & OPEN SPACE PRESERVATION	7,003	6,695,683	27,101	41,906	69,007	1%	2,17%
308	STREET CIP	27,926	8,456,398	3,520,897	1,188,567	4,709,464	56%	28%
309	TRAFFIC IMPACT	72,293	18,536,119	429,341	125,578	554,920	3%	4,59%
311	POLICE IMPACT	101,182	226,130	111,081	-	111,081	49%	11%
313	FIRE IMPACT	266	53,425	26,683	9,462	36,145	68%	2%
346	PUBLIC FAC.NON AB1600	4,750	930,930	82,676	38,706	121,382	13%	10%
347	PUBLIC FACILITIES IMPACT	12,710	177,688	75,934	27,868	103,803	58%	1%
348	LIBRARY IMPACT	216,280	3,849,389	369,088	2,035,570	2,404,657	62%	23%
350	UNDERGROUNDING	90	1,075	450	-	450	42%	-
355	SCHOOL PEDESTRIAN & TRAFFIC SAFETY	14,048	2,190,266	208,650	19,568	228,218	10%	1%
360	COMM/REC CENTER IMPACT	51,160	3,441,478	82,844	2,819,669	2,902,513	0%	4%
TOTAL CAPITAL PROJECTS FUNDS		827,005	61,745,723	5,880,193	7,736,920	13,617,113	22%	8,27%
DEBT SERVICE FUNDS								
420	CIVIC CENTER DEBT	839	311,636	226,975	-	226,975	73%	22%
441	POLICE FACILITY BOND DEBT	320	380,552	300,064	-	300,064	79%	29%
TOTAL DEBT SERVICE FUNDS		1,159	692,188	527,039	-	527,039	76%	51%

Attachment: November 2019 Financial and Investment Report (2625 : November 2019 Financial and Investment Report)



City of Morgan Hill
 Year to Date Expenses - Fiscal Year 2019-20
 For the Month and Five Months Ended November 30, 2019
 42% of Year Complete

FUND NO.	FUND/ACTIVITY	CURRENT MONTH ACTUAL EXPENSES	AMENDED BUDGET	YTD EXPENSES	OUTSTANDING ENCUMBRANCE	TOTAL ALLOCATED	PERCENT OF TOTAL TO BUDGET	PRIOR YTD
ENTERPRISE FUNDS								
SEWER								
640	SEWER OPERATIONS	844,639	12,087,541	4,190,027	600,406	4,790,433	40%	4,089
641	SEWER CAPITAL EXPANSION	287,984	13,399,255	533,984	251,638	785,622	6%	689
642	SEWER RATE STABILIZATION	90	1,078	450	-	450	42%	-
643	SEWER-CAPITAL PROJECTS	338,929	10,335,505	2,218,622	3,019,267	5,237,889	51%	3,019
TOTAL SEWER FUND(S)		1,471,642	35,823,378	6,943,083	3,871,310	10,814,393	30%	7,797
WATER								
	Water Operations	1,643,410	14,203,740	5,732,625	1,338,451	7,071,076	50%	4,569
	Utility Billing	61,502	789,099	329,427	24,443	353,869	45%	319
	Water Conservation	4,949	198,464	25,258	97,549	122,807	62%	319
650	WATER OPERATIONS	1,709,861	15,191,302	6,087,310	1,460,443	7,547,752	50%	4,927
651	WATER CAPITAL EXPANSION	211,580	2,281,224	674,572	225,834	900,407	39%	1,009
652	WATER RATE STABILIZATION	29	352	145	-	145	41%	-
653	WATER-CAPITAL PROJECTS	344,439	3,731,255	369,392	59,195	428,587	11%	569
TOTAL WATER FUND(S)		2,265,910	21,204,133	7,131,419	1,745,472	8,876,891	42%	6,497
TOTAL ENTERPRISE FUNDS		3,737,552	57,027,512	14,074,502	5,616,782	19,691,284	35%	14,286
INTERNAL SERVICE FUNDS								
730	INFORMATION SYSTEMS	194,899	2,334,467	736,885	31,478	768,363	33%	619
740	BUILDING MAINTENANCE	221,008	3,338,819	1,191,777	283,698	1,475,476	44%	1,209
741	BUILDING REPLACEMENT	7,069	278,950	151,895	24,432	176,327	63%	229
745	CIP ADMINISTRATION	126,942	1,619,521	635,658	10,086	645,744	40%	539
760	UNEMPLOYMENT	4,894	10,000	7,029	-	7,029	70%	-
770	WORKERS COMPENSATION	74,384	952,045	765,221	-	765,221	80%	409
790	EQUIPMENT REPLACEMENT	-	1,213,015	29,876	417,862	447,738	37%	-
791	EMPLOYEE BENEFITS FUND	4,847	615,000	150,307	-	150,307	24%	379
793	CORP YARD COMMISSION	-	-	-	-	-	n/a	-
795	GEN. LIABILITY INSURANCE	8,437	1,044,568	817,159	-	817,159	78%	759
TOTAL INTERNAL SERVICE FUNDS		642,480	11,406,384	4,485,808	767,556	5,253,364	46%	4,119
REPORT TOTAL		\$ 9,114,014	\$ 193,363,216	\$ 50,302,243	\$ 17,837,222	\$ 68,139,465	35%	\$ 54,046

City of Morgan Hill Fund Activity Summary - Fiscal Year 2019-20 For the Five Months Ended November 30, 2019 42% of Year Complete										
Fund No.	Fund	Fund Balance 06-30-19		Revenues		Expenses		Year to-Date Deficit or Carryover	Ending Fund Balance	
		YTD Actual	% of Budget	YTD Actual	% of Budget	Reserved ¹	Unreserved			
010	GENERAL FUND	\$ 17,924,089	27%	\$ 11,508,066	27%	\$ 16,649,429	38%	\$ (5,141,364)	\$ 2,401,968	\$ 10,380,757
TOTAL GENERAL FUND		\$ 17,924,089	27%	\$ 11,508,066	27%	\$ 16,649,429	38%	\$ (5,141,364)	\$ 2,401,968	\$ 10,380,757
202	STREET MAINTENANCE	37,376	33%	246,924	33%	140,705	41%	106,219	\$ -	\$ 143,595
205	PUBLIC SAFETY/SUPPL. LAW	93,997	73%	73,293	73%	95,275	39%	(21,981)	-	72,016
206	DEVELOPMENT SERVICES	1,329,077	38%	1,975,016	38%	2,258,511	38%	(283,495)	572,619	472,963
207	LONG RANGE PLANNING	1,248,188	43%	315,467	43%	176,360	24%	139,107	193,865	1,193,430
215 / 216	CDBG	57,072	12%	446	12%	2,170	42%	(1,724)	-	55,348
225	ASSET SEIZURE	130,210	753%	16,777	753%	-	n/a	16,777	-	146,987
229	LIGHTING AND LANDSCAPE	158,268	1%	1,222	1%	76,356	37%	(75,134)	39,187	43,946
230	COMMUNITY FACILITIES DISTRICT	112,386	53%	535	1%	13,958	30%	(13,423)	-	98,963
232	ENVIRONMENTAL PROGRAMS	335,097	45%	184,285	45%	165,334	38%	18,951	26,136	327,912
234	MOBILE HOME PK RENT STAB.	52,468	690%	6,026	690%	175	41%	5,851	-	58,319
235	SENIOR HOUSING	228,559	36%	1,602	36%	-	n/a	1,602	-	230,161
236	HOUSING MITIGATION	2,520,285	25%	589,871	25%	1,138,569	50%	(548,699)	154,030	1,817,556
240	EMPLOYEE ASSISTANCE	63,226	27%	7,887	27%	18,934	66%	(11,047)	-	52,179
247	ENVIRONMENT REMEDIATION	135,636	56%	1,571	56%	1,185	n/a	386	-	136,022
250	COMH-SUCCESSOR AGENCY-MHRDA	(500,829)	62%	4,318,907	62%	4,177,968	60%	140,939	-	(359,890)
255	HOUSING SUCCESSOR AGENCY	3,976,695	34%	188,829	34%	419,773	45%	(230,944)	328,158	3,417,593
260	PUBLIC ART	185	n/a	-	n/a	-	-	-	-	185
TOTAL SPECIAL REVENUE FUNDS		\$ 9,977,896	46%	\$ 7,928,657	46%	\$ 8,685,272	47%	\$ (756,615)	\$ 1,313,996	\$ 7,907,285
301	PARK DEV. IMPACT FUND	4,116,066	18%	476,376	18%	348,118	3%	128,258	908,986	3,335,338
302	PARK MAINTENANCE	4,078,868	13%	173,506	13%	490,884	40%	(317,379)	106,277	3,655,212
303	LOCAL DRAINAGE	12,117,049	5%	79,649	5%	95,178	3%	(15,529)	405,181	11,696,339
304	LOCAL DRAINAGE/NON-AB1600	1,563,382	13%	10,935	13%	11,266	2%	(331)	9,582	1,553,469
306	AGRICULTURE AND OPEN SPACE PRESERV	7,951,064	19%	634,300	19%	27,101	0%	607,199	41,906	8,516,357
308	STREET CIP	3,299,044	43%	2,187,223	43%	3,520,897	42%	(1,333,674)	1,188,567	776,803
309	TRAFFIC IMPACT FUND	(1,263,866)	54%	690,913	54%	429,341	2%	261,572	125,578	(1,127,873)
311	POLICE IMPACT FUND	(640,897)	31%	92,021	31%	111,081	49%	(19,060)	-	(659,957)
313	FIRE IMPACT FUND	3,873,198	13%	61,851	13%	26,683	50%	35,168	9,462	3,898,904
346	PUBLIC FACILITIES NON-AB1600	(178,488)	n/a	-	n/a	82,676	9%	(82,676)	38,706	(299,870)
347	PUBLIC FACILITIES IMPACT FUND	688,851	47%	104,626	47%	75,934	43%	28,692	27,868	689,675
348	LIBRARY IMPACT FUND	2,987,436	18%	170,203	18%	369,088	10%	(198,885)	2,035,570	752,982
350	UNDERGROUNDING	861,895	12%	6,040	12%	450	42%	5,590	-	867,485
355	SCHOOL PEDESTRIAN/TRAFFIC SFTY	1,477,523	3%	18,128	3%	208,650	10%	(190,522)	19,568	1,267,433
360	COMM/REC CTR IMPACT FUND	2,122,228	22%	292,780	22%	82,844	2%	209,935	2,819,669	(487,506)
TOTAL CAPITAL PROJECT FUNDS		\$ 43,053,353	25%	\$ 4,998,550	25%	\$ 5,880,193	10%	\$ (881,643)	\$ 7,736,920	\$ 34,434,790
420	CIVIC CENTER DEBT	171,351	42%	125,846	42%	226,975	73%	(101,128)	199	70,024
441	POLICE FACILITY BOND DEBT	70,213	50%	187,467	50%	300,064	79%	(112,598)	254	(42,638)
TOTAL DEBT SERVICE FUNDS		\$ 241,564	46%	\$ 313,313	46%	\$ 527,039	76%	\$ (213,726)	\$ 453	\$ 27,385

Fund No.	Fund	City of Morgan Hill Fund Activity Summary - Fiscal Year 2019-20 For the Five Months Ended November 30, 2019 42% of Year Complete							
		Fund Balance 06-30-19	Revenues		Expenses		Year to-Date Deficit or Carryover	Ending Fund Balance	
			YTD Actual	% of Budget	YTD Actual	% of Budget		Reserved ¹	Unreserved

640	SEWER OPERATIONS	\$ 3,235,529	32%	\$ 3,880,056	32%	\$ 4,190,027	35%	\$ (309,972)	600,406	2,325,152
641	SEWER IMPACT FUND*	18,119,442	49%	2,495,606	49%	533,984	4%	1,961,622	251,638	19,829,427
642	SEWER RATE STABILIZATION	2,625,280	35%	18,400	35%	450	42%	17,950	-	2,643,230
643	SEWER-CAPITAL PROJECTS	9,791,525	43%	1,231,322	43%	2,218,622	21%	(987,300)	3,019,267	5,784,958
650	WATER OPERATIONS	4,010,886	40%	5,924,994	40%	6,087,310	40%	(162,315)	1,460,443	2,388,128
651	WATER IMPACT FUND*	2,507,584	30%	457,852	30%	674,572	30%	(216,721)	225,834	2,065,029
652	WATER RATE STABILIZATION	1,761,549	11%	12,350	11%	145	41%	12,205	-	1,773,754
653	WATER -CAPITAL PROJECT	1,685,295	42%	1,592,771	42%	369,392	10%	1,223,379	59,195	2,849,479
TOTAL ENTERPRISE FUNDS		\$ 43,737,090	39%	\$ 15,613,351	39%	\$ 14,074,502	25%	\$ 1,538,849	\$ 5,616,782	\$ 39,659,157

730	INFORMATION SERVICES	\$ 902,325	42%	\$ 755,101	42%	\$ 736,885	32%	\$ 18,216	31,478	\$ 889,063
740	BUILDING MAINTENANCE	64,490	41%	1,340,796	41%	1,191,777	36%	149,019	283,698	(70,190)
741	BUILDING REPLACEMENT	2,515,067	40%	333,101	40%	151,895	54%	181,206	24,432	2,671,840
745	CIP ENGINEERING	62,517	34%	635,658	34%	635,658	39%	-	10,086	52,432
760	UNEMPLOYMENT	142,515	34%	983	34%	7,029	70%	(6,046)	-	136,469
770	WORKERS COMPENSATION	2,015,978	43%	341,042	43%	765,221	80%	(424,179)	30,000	1,561,799
790	EQUIPMENT REPLACEMENT	5,238,985	45%	507,622	45%	29,876	2%	477,746	417,862	5,298,869
791	EMPLOYEE BENEFITS FUNDS	(233,198)	27%	329,555	27%	150,307	24%	179,248	-	(53,950)
795	GEN. LIABILITY INSURANCE	1,379,596	41%	446,418	41%	817,159	78%	(370,741)	-	1,008,855
TOTAL INTERNAL SERVICE FUNDS		\$ 12,088,275	39%	\$ 4,690,275	39%	\$ 4,485,808	39%	\$ 204,467	\$ 797,556	\$ 11,495,186

SUMMARY BY FUND TYPE

GENERAL FUND GROUP	\$ 17,924,089	\$ 11,508,066	27%	\$ 16,649,429	38%	\$ (5,141,364)	\$ 2,401,968	\$ 10,380,757
SPECIAL REVENUE GROUP	9,977,896	7,928,657	46%	8,685,272	47%	(756,615)	1,313,996	7,907,285
DEBT SERVICE GROUP	241,564	313,313	46%	527,039	76%	(213,726)	453	27,385
CAPITAL PROJECTS GROUP	43,053,353	4,998,550	25%	5,880,193	10%	(881,643)	7,736,920	34,434,790
ENTERPRISE GROUP	43,737,090	15,613,351	39%	14,074,502	25%	1,538,849	5,616,782	39,659,157
INTERNAL SERVICE GROUP	12,088,275	4,690,275	39%	4,485,808	39%	204,467	797,556	11,495,186
TOTAL ALL GROUPS	\$ 127,022,269	\$ 45,052,212	34%	\$ 50,302,243	26%	\$ (5,250,031)	\$ 17,867,675	\$ 103,904,561

For Enterprise Funds: Unrestricted fund balance = Fund balance net of fixed assets and long-term liabilities.

*Unreserved fund balance includes bond proceeds reserved for projects listed in bond documents.

¹ Amount restricted for encumbrances, fixed asset replacement, long-term receivables, and bond reserves.

² Amount restricted for debt service payments and AB1600 capital expansion projects as detailed in the City's five year CIP Plan and bond agreements.



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2020

PREPARED BY: David Swing, Police Chief

APPROVED BY: City Manager

INFORMATION TECHNOLOGY BUDGET INCREASE

RECOMMENDATION(S)

Adopt resolution amending the adopted 2019-20 Fiscal Year Budget appropriating \$160,000 from the Information Services Fund (730) for critical technology upgrades.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility

2019 Strategic Priorities

Infrastructure

REPORT NARRATIVE:

During Fiscal Year (FY) 2018-19, the Information Services Division experienced a reorganization which presented an opportunity for the City to assess its current Information Technology investment priorities and service delivery model. The assessment included recommendations from past studies performed on behalf of the City, meeting with key stakeholders, and reviewing previous investments in technology.

As a result of these efforts, the City worked with its technology advisor, Civic Foundry, to develop priorities that balance both the operational and strategic needs of the City.

Future information technology investments and currently unfunded high priority projects total \$160,000 and are guided by the following key strategies:

- Strengthening the security posture of the City
 - Performing an information security assessment by a Qualified Security Assessor (\$40,000)
 - Enhancing the City's anti-virus software (\$10,000)
 - Upgrading the City's Microsoft licensing to include mobile device management among other features (\$15,000)
- Performing mandatory technology upgrades to modernize the City's infrastructure for the benefit of employees and the public
 - Replacing approximately 25% of the City's PC inventory (\$50,000)
- Consolidating existing systems to reduce time required to manage technology itself and ultimately redirect those resources to provide services to customers
 - Consolidating and updating server licensing and operating systems (\$45,000)

Staff recommends approval of the new projects defined above and appropriating \$160,000 in new funding for their completion. If approved, staff will immediately address the high priority projects described above with anticipated completion by the end of this fiscal year.

COMMUNITY ENGAGEMENT: Not Applicable

ALTERNATIVE ACTIONS:

The Council could choose to defer or not approve these projects. Should this occur, the City's risk of equipment failure and system downtime will continue to grow over time leaving the City with limited options due to the manufacturer's discontinuance of support for critical infrastructure. In addition, employee productivity for IT staff would be impacted as the limited resources continue to address a growing technical environment and the remainder of other City staff will not be provided with more efficient tools to serve the public.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Approval of FY2018-2020 biennial budget on June 6, 2018.

FISCAL AND RESOURCE IMPACT:

Staff recommends an additional \$160,000 be appropriated from the Information Technology Fund (730), where there are adequate funds available, for the remaining unbudgeted but critical upgrades mentioned above. A budget resolution and scorecard are included as Attachment 1. There is no impact to the General Fund as there is an adequate fund balance in Fund 730.

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.

LINKS/ATTACHMENTS:

1. RESOLUTION for Information Technology February 5, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE CITY'S FISCAL YEAR 2019-20 BUDGET APPROPRIATING \$160,000 FROM INFORMATION SERVICES FUND (730) FOR INFORMATION TECHNOLOGY UPGRADES

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, the reasons supporting the purchase described in, and that is the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled "Information Technology Budget Increase" submitted for City Council consideration at its meeting of February 5, 2020 submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, recommended amendments are needed and proposed to the City's previously adopted Budget for Fiscal Year 2019-20, 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 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 meeting 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 activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; 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 is in support of the increased budget appropriation to enhance Information Technology infrastructure and security; and

- b. That the City's previously adopted Fiscal Year 2019-20 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
- c. 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 2019-20 Budget of the City; and
- d. That the City Manager is hereby delegated authority to and is authorized to take all other ministerial actions that may be necessary or appropriate to implement the provisions of this Resolution.

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 5th day of February 2020 by the following vote:

AYES: **COUNCIL MEMBERS:**

NOES: **COUNCIL MEMBERS:**

ABSTAIN: **COUNCIL MEMBERS:**

ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

IRMA TORREZ, City Clerk

⌘ **CERTIFICATION** ⌘

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-XXX, adopted by the City Council at the meeting held on the 5th day of February 2020.

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

DATE: _____

Irma Torrez, CITY CLERK

EXHIBIT A

AGENDA BUDGET SCORECARD

FISCAL YEAR 2019-20

ADJUSTMENT #

016

FUND:

DEPARTMENT:

OBJECT:

730	Information Systems Fund
2520	Information Services
Various	Various

AGENDA DATE:

AGENDA ITEM TITLE:

02/05/20
IT Budget Increase

	07/01/19 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	06/30/20 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	902,325	1,783,719	2,334,467	351,577
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	-	-
RECOMMENDED ACTION		-	160,000	(160,000)
RESULT OF RECOMMENDED ACTION	<u>902,325</u>	<u>1,783,719</u>	<u>2,494,467</u>	<u>191,577</u>



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2020

PREPARED BY: Chris Ghione, Public Services Director
APPROVED BY: City Manager

APPROVE CHANGE TO LIBRARY, CULTURE AND ARTS COMMISSION TERMS

RECOMMENDATION(S)

Approve transition to four year terms for the Library, Culture and Arts Commission.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Supporting Our Youth

Seniors

and Entire Community

Preserving and Cultivating Public Trust

REPORT NARRATIVE:

The Library, Culture and Arts Commission (LCAC) has requested future terms for members to the Commission to be extended from two years to four years. This discussion stemmed from the term for the LCAC members being only two years, while terms for the Planning Commission and Parks and Recreation Commission are four years. The request is to support ongoing consistency for the Commission to work on initiatives and workplan items that typically last more than 1-2 years. The Commission has felt the two-year terms are just too short to allow Commissioners to get up to speed and make strong ongoing contributions.

The two-year term for the LCAC Commissioners is not outlined in the Municipal Code and therefor can be set by the Council upon appointment of Commissioners. City staff and the Commission concur this transition could be accomplished, if approved by the Council, through the following appointment schedule:

- Terms currently expiring in 2020 would be filled with two-year terms to 2022.
- Terms expiring in 2021 will be filled for three-year terms to 2024
- Terms expiring in 2022 will be filled for four-year terms to 2026
- Terms expiring in 2024 will be filled for four-year terms to 2028
- Future terms would all be 4-year terms

COMMUNITY ENGAGEMENT: Not Applicable

This recommendation has been driven by the Commission. All discussion has occurred at noticed regular meetings of the LCAC.

ALTERNATIVE ACTIONS:

The Council could choose to continue to appoint Commissioners to two-year terms and not move forward with the transition schedule as outlined in this report.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Commission terms were converted to two-year terms in 2009 during a time when there was difficulty finding interested residents.

FISCAL AND RESOURCE IMPACT:

There is no significant fiscal impact associated with the proposed changes.

CEQA (California Environmental Quality Act):

Not a Project

Since the resulting activity is an administrative program that will not result in a change to the physical environment, this action is not a project under the California Environmental Quality Act.



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2020

PREPARED BY: John Lang, Economic Development Manager
APPROVED BY: City Manager

APPROVE GROUND LEASE AGREEMENT FOR EQUIPMENT SHELTER AT COMMUNITY PARK BETWEEN THE CITY OF MORGAN HILL AND LCB COMMUNICATIONS LLC

RECOMMENDATION(S)

Approve a five-year Ground Lease Agreement, with an option to extend for two additional five-year terms, between the City of Morgan Hill and LCB Communications LLC, for a small communications equipment shelter to be generally located at the far southwestern corner of Community Park.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Diversity and Inclusiveness

2019 Strategic Priorities

Economic Development

Infrastructure

Telecommunications

GUIDING DOCUMENTS

Economic Blueprint

REPORT NARRATIVE:

In 2015, LCB Communications (also known as South Valley Internet) applied for a grant from the California's Public Utilities Commission (CPUC) California Advanced Services Fund (CASF) "Last Mile" Program. The grant application was dubbed Light Saber, which called for Fiber to the Home (FTTH) for 150 underserved homes in Paradise Valley. The proposed scope of work was to pull 12 miles of fiber optic cable from San Martin, LCB Communications' home office, north to Morgan Hill and then west to Paradise Valley. In 2017, the CPUC awarded \$1.07 million as a reimbursable grant to LCB Communications to implement project Light Saber.

LCB Communications contacted the City in late 2018 about an encroachment permit to install conduit from LCB's headquarters in San Martin north along Monterey road to Edmundson Avenue and then west along Edmundson Avenue to Paradise Valley.

LCB Communications has installed the conduit and fiber. In order to support the deployment and operations of fiber not only to the existing area but to the Morgan Hill Community at large, LCB Communications needs an equipment shelter along the route to house the communications equipment in a small, secure facility that provides gigabit services to the community via highly specialized hardware that is distance sensitive.

Data and voice packets are sent and received at the speed of light via a network of routers and switches that are managed by LCB Communications' core network.

LCB Communications explored various opportunities with private property owners along the conduit run from Monterey Road and along Edmundson and subsequently contacted the City regarding an opportunity to house an equipment shelter at the Centennial Recreation Center. Staff reviewed the proposal and recommends a lease agreement to allow LCB Communications to install approximately a 230-square foot equipment shelter on a concrete pad at the farthest corner of the CRC along Edmundson Avenue. The equipment shelter would be screened with fencing and secured with appropriate security devices.

The proposed location of the equipment shelter is in an area that is underutilized and does not have any existing uses. The nearest use is the Community Park and dog run. The adjacent property is a parking lot and church.

This project aligns with the City Council's 2019 strategic priority for Telecommunications. The equipment shelter provides the necessary routing equipment to successfully support fiber deployment to Paradise Valley and southern Morgan Hill. This project also offers future opportunities for LCB Communications to expand the fiber network further into Morgan Hill.

Proposed Terms of the Agreement:

1. An initial five-year term with two (2) optional five-year terms for a total of 15 years.
2. Monthly rent of \$1,000, for the initial five-year term.
3. After the initial five-year term, if LCB exercises the options to extend the term, the base rent shall be increased by 3% at the beginning of each option term.
4. At the end of the agreement, LCB Communications will need to restore area to previous condition.

COMMUNITY ENGAGEMENT: Inform

This project aligns with City Council's 2019 strategic priority for Telecommunications and offers future opportunities to expand the fiber network further into Morgan Hill. An informational sign will be posted at the location that explains what is being constructed.

ALTERNATIVE ACTIONS:

The City Council could choose not to approve the equipment shelter agreement on City owned property. LCB communications would need to continue the search for equipment shelter locations.

The City Council could choose to amend the terms of the agreement.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Neither City Council or Planning Commission have had any prior action or discussion on this item.

FISCAL AND RESOURCE IMPACT:

Rent revenue from this ground lease agreement will be as following:

Years 1 - 5 = \$12,000/year for total of \$60,000

Years 6 - 10 = \$12,360/year for total of \$61,800 (Option)

Years 11 – 15 = \$12,731/year for total of \$63,654 (Option)

The total rent for the life of the agreement is approximately \$185,454. Monthly rent would provide additional funds into the Park Maintenance Fund (302) as the location of the proposed equipment shelter is located on City owned dedicated park land.

CEQA (California Environmental Quality Act):

An Environmental Impact Report (EIR) for the Morgan Hill 2035 Project, which included the General Plan Update, was prepared in accordance with the California Environmental Quality Act (CEQA) and certified by the Morgan Hill City Council on July 27, 2016. The equipment shelter project discussed above is consistent with the general plan policies for which the EIR was certified. There is no substantial evidence a lease agreement for the development of a 230 square foot equipment shelter will have a significant effect on the environment beyond that already analyzed in the certified EIR; therefore, no further environmental analysis is required.

LINKS/ATTACHMENTS:

1. Lease Equipment Shelter City of Morgan Hill LCB Communications

EQUIPMENT SHELTER GROUND LEASE
BETWEEN THE CITY OF MORGAN HILL AND
LCB COMMUNICATIONS LLC, a California
Limited Liability Corporation

EQUIPMENT SHELTER GROUND LEASE

This Lease ("Lease") is made and entered into as of February __, 2020, by and between the City of Morgan Hill, California, a municipal corporation ("City" or "Lessor") and LCB Communications, a California Limited Liability Corporation ("Lessee").

RECITALS

The following recitals are a substantive portion of this Lease:

- A. City is the owner of certain real property situated in Santa Clara County, State of California, as more particularly described in **Exhibit "A"** attached and incorporated by this reference.
- B. Lessee is a California corporation organized under the laws of the State of California whose principal business is as a Competitive Local Exchange Carrier (CLEC) with a Certificate of Public Convenience and Necessity ("CPCN") #U7243C.
- C. Lessee requests the use of certain real property owned by the City, for the construction, installation and operation of an equipment shelter to house fiberoptic cable communications hardware and the support, maintenance and ancillary equipment necessary for its operation.
- D. City is willing to permit Lessee to lease the property in accordance with the terms, conditions and covenants of this Lease.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

ARTICLE 1

Premises and Improvements

1.1 Lease of Premises. City hereby leases to Lessee and Lessee leases from City for the term, at the rental and upon all of the terms and conditions set forth, a portion of the real property located at 171 Edmundson Avenue, Morgan Hill APN# 767-18-048, commonly known as the Centennial Recreation Center ("City Property"). Lessee shall lease approximately 816 square feet as described in **Exhibit "B"** attached and incorporated herein (the "Premises").

1.2 Improvements. The Premises shall be used by Lessee only to locate a small building of no more than approximately 230 square feet on a concrete pad of approximately the same size ("Building"), in an area of approximately 24' x 34' including fencing, landscaping, underground cable and conduit, and heating, ventilating, and air conditioning equipment ("Improvements"). The Improvements are more particularly shown on plans, which have been submitted for site development and use permit approvals, as required by the City. A copy of the plans is attached and incorporated by this reference as **Exhibit "C"**. It is understood and agreed that the final plan for the Improvements will be the plans approved by the City through its site development and use permit process(es). Lessee shall fence the premises.

ARTICLE 2

Term

2.1 Term. The term of this Lease shall be for a period of five (5) years commencing on the Commencement Date and terminating on the fifth anniversary of the Commencement Date, unless earlier terminated ("Term").

2.2 Commencement Date. The Commencement Date of this License shall be the date this Lease is approved by the Morgan Hill City Council.

2.3 Option to Extend. Provided Lessee is not in default, either at the time of exercise or at the time the extended Term commences, Lessee shall have the option to extend the Term of this Lease for two five (5) year ("Option Terms") on the same terms and conditions provided Lessee shall exercise its option by giving City written notice ("Option Notice") at least sixty (60) days, but not more than one hundred twenty (120) days, prior to the expiration of the Term or the Option Term.

ARTICLE 3

Rental

3.1 Base Rent. Lessee shall pay to City as rent for the Premises in advance on the first day of each calendar month of this Lease without deduction, offset, prior notice or demand, in lawful money of the United States, the sum of One Thousand Dollars (\$1,000.00) ("Base Rent"). If the Commencement Date is not the first day of the month of the Term, thereafter the Base Rent shall be due on the first day of each calendar month of the Term. The first month's rent, and the last month's rent, shall be prorated as necessary. Rent shall be sent to: City Manager, City of Morgan Hill, 17575 Peak Avenue, Morgan Hill, CA 95037-4128.

3.2 Increase for Each Extension Period. If Lessee elects to exercise its option to extend the term of the lease, at the beginning of each Option Term, the Base Rent shall be increased by 3%, said Base Rent being effective throughout the entire Option Term. The sum shall be adjusted as specified herein resulting in a compound rate of increase. For example, if the Base Rent for the Term of this contract is One Thousand Dollars (\$1000.00) per month and Lessee exercises its first option to extend, the rate for each month of the Option Term would be \$1030.00. If the Lessee exercises its second Option Term, the rate for each month of the second Option Term would be \$1060.90..

3.3 Transactional Costs. In the event that Lessee requests an amendment of this Lease at a future time it shall pay to City, as additional rent, any reasonable transactional costs, which shall include any reasonable attorneys' fees incurred by City as a result of the negotiation, preparation, execution of any amendment to this Ground Lease, or any future consent of City required Ground Lease ("Transactional Costs"). City shall furnish Lessee with an invoice reflecting the Transactional Costs due, and Lessee shall make full payment to City of these costs within thirty (30) days from the date of City's invoice. Should City request an amendment to this Agreement, this Section shall not apply.

3.4 Late Charge. Lessee acknowledges late payment by Lessee to City of rent will cause

City to incur costs not contemplated by this Lease, the exact amount of such costs being extremely difficult and impracticable to fix. Such costs include, without limitation, processing, accounting and late charges that may be imposed on City. If any installment of rent due from Lessee is not received by City within ten (10) days after the date rent is due, Lessee shall pay to City an additional sum of ten percent (10%) of the overdue rent as a late charge. The parties agree this late charge represents a fair and reasonable estimate of the costs City will incur by reason of late payment by Lessee. Acceptance of any late charge shall not constitute a waiver of Lessee's default with respect to the overdue amount, nor prevent City from exercising any of the other rights and remedies available to City.

ARTICLE 4 Use

4.1 Permitted Uses. Lessee shall use the Premises for purposes related to the operations of communication services. Lessee shall use the Premises for installation, operation, maintenance and use of an internet access facility, consisting of the equipment, improvements and facilities and the utilities, cables, antennas and wires reasonably needed to support the operation of the facility. The installation and use of an electrical generator, with all requisite permits, to support Lessee's uses of the Premises shall also be a permitted use. The installation of the Improvements shall be subject to the reviews, approvals set forth in Section 4.3. Lessee shall be solely responsible for all costs associated with the construction, installation, maintenance and use of the Improvements.

4.2 Access. City grants Lessee reasonable non-exclusive vehicular and foot access to the Premises. Access shall be available to Lessee, Lessee's employees and invitees, during normal business hours, except if an emergency occurs. It is anticipated, after installation of the Improvements is completed, that reasonable access shall occur as needed for the purpose of ordinary tuning Lessee's equipment, appropriate maintenance of the Improvements and the repair and replacement of equipment located on the Premises.

4.3 Prohibited Uses. Lessee shall not use Premises for any purpose not expressly permitted. Lessee shall not (a) create, cause, or permit any nuisance or waste in, on or about the Premises or permit the Premises to be used for any unlawful, (b) do or permit to be done anything which unreasonably disturbs the users of the City Property or the occupants of neighboring property. Specifically, and without limiting the above, Lessee agrees not to cause any unreasonable odors, noise, vibration, power emissions or other item to emanate from the Premises. No materials or articles of any nature shall be stored outside upon any portion of the Premises. The parties agree that the use or testing of a diesel, natural gas, or gasoline powered generator for backup electrical purposes does not violate this provision and that said generator, and its ancillary equipment, may be permanently located, stored and used within the Premises. Similarly heating, ventilating and air conditioning equipment may be permanently located and used within the Premises.

4.4 Approval by the City and Other Agencies. Lessee, at its sole cost and expense, may install the Improvements, subject to Lessee's obtaining all required permits, licenses and approvals from the City and any other governmental agencies having jurisdiction. Lessee shall maintain permits, licenses and approvals in force through the term of this Lease, including the

option term. The revocation or expiration of any permit, license or approval shall be a breach of this Lease. Should Lessee wish to change the Improvements it shall not do so without obtaining all required permits, licenses and approvals from the City and any other governmental agencies with jurisdiction. Should Lessee change or expand any Improvements beyond the current footprint without the prior approval of City, City may require that Lessee remove the expansion at Lessee's sole cost and expense. Lessee shall be solely responsible for conducting any environmental review required in association with Lessee's use of the Premises and for all costs associated, as well as all fees, charges or other expenses imposed by the City or other regulatory agencies in connection with Lessee's use of the Premises prior to the Lease commencement or at any time during the term of the Lease.

4.5 Relocation of Building. No more than once during the initial term of the Lease, Lessor may require Lessee to relocate its Building and Improvements for a public purpose. Lessor shall notify Lessee by written notice, no less than two hundred seventy (270) days in advance of the date said relocation is to be completed (the "relocation date"). Lessee shall relocate the Building and Improvements by said relocation date or may choose to terminate the Lease on any date Lessee may desire prior to or on relocation date. The costs of the move shall be shared equally between the Lessee and Lessor. "Costs" of the move shall include, but not be limited to all expenses incurred in relocation the building, creating a new concrete pad of the building and erecting a new fence, and the costs of relocating all communication and utility cables, connections and services. Lessor shall use reasonable efforts to provide Lessee with a reasonably equivalent alternate location for its Building and Improvements. If Lessor shall fail to relocate the Building or Improvements as requested by the Lessor in accordance with this provision, Lessor shall be entitled to remove or relocate the equipment at Lessee's sole cost and expense, without further notice to Lessee. Assuming that Lessor has not utilized its right to relocate during the initial term of the Lease, Lessor may exercise its rights once during the Option Terms under the same terms and conditions,

4.6 Compliance with Laws. Lessee shall not do or permit anything to be done in or on the Premises, or bring or keep anything in, on the Premises which will conflict with any law, statute, ordinance or governmental rule or regulation now in force or which may hereafter be enacted.

4.7 Condition, Use of Premises. City makes no warranty or representation concerning the condition of the Premises, or the fitness of the Premises for the use intended by Lessee, and disclaims any personal knowledge, it being expressly understood by the parties that Lessee has personally inspected the Premises, knows its condition, finds it fit for Lessee's intended use, accepts it as is and has ascertained that it can be used for the limited purposes specified in Section 4.1.

4.8 Hazardous Materials.

4.8.1 Hazardous Materials on Premises. Lessee shall not introduce any Hazardous Materials (as defined below) to the Premises or the City Property excluding any Hazardous Materials which are components of commercially available products provided that Hazardous Materials are transported, obtained, handled, stored and/or disposed of in accordance with all federal, state and local laws, ordinances, rules, regulations or policies.

4.8.2. Hazardous Materials Defined. The term “Hazardous Material(s)” shall mean any toxic or hazardous substance, material or waste or any pollutant or contaminant or infectious or radioactive material, including but not limited to, those substances, materials or wastes regulated now or in the future under any of the following statutes or regulations and any and all of those substances included within the definitions of “hazardous substances,” “hazardous waste,” “hazardous chemical substance or mixture,” “imminently hazardous chemical substance or mixture,” “toxic substances,” “hazardous air pollutant,” “toxic pollutant” or “solid waste” in the (a) “CERCLA” or “Superfund” as amended by SARA, 42 U.S.C. Secs. 9601 et seq., (b) RCRA, 42 U.S.C. Secs. 6901 et seq., (c) CWA, 33 U.S.C. Secs. 1251 et seq., (d) CAA, 42 U.S.C. Secs. 7401 et seq., (e) TSCA, 15 U.S.C. Secs. 2601 et seq., (f) The Refuse Act of 1899, 33 U.S.C. Secs. 407, (g) OSHA, 29 U.S.C. Secs. 651 et seq. (h) Hazardous Materials Transportation Act, 49 U.S.C. Secs. 5101 et seq., (i) USDOT Table (49 CFR Sec. 172.101 App. A and amendments) or the EPA Table (40 CFR Part 302 and amendments), (j) Carpenter- Presley-Tanner Hazardous Substance Account Act, Cal. Health & Safety Code Secs. 25300 et seq., (k) California Hazardous Waste Control Act, Cal. Health & Safety Code Secs. 25100 et seq., (l) Porter-Cologne Act, Cal. Water Code Secs. 13000 et seq., (m) Hazardous Waste Disposal Land Use Law, Cal. Health & Safety Code Sec. 25220 et seq., (n) “Proposition 65,” Cal. Health and Safety Code Sec. 25249.5 et seq., (o) Hazardous Substances Underground Storage Tank Law, Cal. Health & Safety Code Sec. 25280 et seq., (p) California Hazardous Substance Act, Cal. Health & Safety Code Secs. 108100 et seq., (q) Air Resources Law, Cal. Health & Safety Code Secs. 39000 et seq., (r) Hazardous Materials Release Response Plans and Inventory, Cal. Health & Safety Code Secs. 25500 et seq., (s) TPCA, Cal. Health and Safety Code Secs. 25208 et seq., and (t) regulations promulgated pursuant to said laws or any replacement thereof, or as similar terms are defined in the federal, state and local laws, statutes, regulations, orders or rules. Hazardous Materials shall also mean any and all other substances, materials and wastes which are, or in the future become regulated under applicable local, state or federal law for the protection of health or the environment, or which are classified as hazardous or toxic substances, materials or wastes, pollutants or contaminants, as defined, listed or regulated by any federal, state or local law, regulation or order or by common law decision, including, without limitation, (i) trichloroethylene, tetrachloroethylene, perchloroethylene and other chlorinated solvents, (ii) any petroleum products or fractions thereof, (iii) asbestos, (iv) polychlorinated biphenyls, (v) flammable explosives, (vi) urea formaldehyde, and (vii) radioactive materials and waste.

4.8.3 Hazardous Materials Indemnity. Lessee shall indemnify, defend (by counsel reasonably acceptable to City), protect and hold Landlord harmless from and against any and all claims, liabilities, penalties, forfeitures, losses and/or expenses, including, without limitation, diminution in value of the Premises, damages for the loss or restriction on use of the rentable or usable space or of any amenity of the Premises, damages arising from any adverse impact or marketing of the Premises and sums paid in settlement of claims, response costs, cleanup costs, site assessment costs, attorney’s fees, consultant and expert fees, judgments, administrative rulings or orders, fines, costs of death of or injury to any person or damage to any property whatsoever (including, without limitation, groundwater, sewer systems and atmosphere), arising from, or caused or resulting, either prior to or during the Lease Term, in whole or in part, directly or indirectly, by the presence or discharge in, on, under or about the Premises by Lessee, Lessee’s agents, employees, licensees or invitees or at Lessee’s direction, of Hazardous Material, or by Lessee’s failure to comply with any Hazardous Materials Law, whether knowingly or by

strict liability. Lessee's indemnification obligations shall include, without limitation, and whether foreseeable or unforeseeable, all costs of any required or necessary Hazardous Materials management plan, investigation, repairs, cleanup or detoxification or decontamination of the Premises, and the presence and implementation of any closure, remedial action or other required plans, and shall survive the expiration of or early termination of the Lease Term. For purposes of the indemnity, any acts or omissions of Lessee or its employees, agents, customers, sublessees, assignees, contractors or subcontractors of Lessee (whether or not they are negligent, intentional, willful or unlawful) shall be strictly attributable to Lessee.

4.8.4 City's Right to Perform Tests. At any time prior to the expiration of the Lease Term, City shall have the right to enter upon the Premises in order to conduct tests of water and soil and to deliver to Lessee the results of such tests to demonstrate that levels of any Hazardous Materials in excess of permissible levels has occurred as a result of Lessee's use of the Premises. Lessee shall be solely responsible for and shall indemnify, protect, defend and hold City harmless from and against all claims, costs and liabilities including actual attorney's fees and costs arising out of or in connection with any removal, remediation, clean up, restoration and materials required hereunder to return the Premises and any other property of whatever nature to their condition existing prior to the appearance of the Hazardous Materials. The testing shall be at Lessee's expense if City has a reasonable basis for suspecting and confirms the presence of Hazardous Materials in the soil or surface or groundwater in on, under, or about the Premises, which has been caused by or resulted from the activities of Lessee, its agents, employees, contractors or invitees.

4.8.5 Survival. This entire Section 4.8 of this Lease shall survive termination of the Lease, as to any activities during the term of this Lease.

4.8.6 Termination of Lease. City shall have the right to terminate the Lease in City's sole and absolute discretion in the event that (i) any anticipated use of the Premises by Lessee involves the generation or storage, use, treatment, disposal or release of Hazardous Material in a manner or for a purpose prohibited or regulated by any governmental agency, authority or Hazardous Materials Laws; (ii) Lessee has been required to take remedial action in connection with Hazardous Material contaminating the Premises, if the contamination resulted from Lessee's action or use of the Premises; or (iii) Lessee is subject to an enforcement order issued by any governmental authority in connection with the release, use, disposal or storage of a Hazardous Material on the Premises. Should City exercise this right Lessee shall have 90 days to vacate the property and return it in the state specified in the "Surrender" paragraph of Article 5 of this Contract.

4.8.7 Covenant of Non-Interference. Lessee shall be responsible for inspecting City Property and finding adequate space at the site without moving or relocating any of City's facilities or equipment, or any other facility, or utility located at the City Property, at the time Lessee's facilities are installed. It is anticipated that Lessee Improvements will include RF equipment at the site. Lessee is permitted to do so as long as Lessee's equipment shall not negatively impact any other existing facility or antenna. In the event that Lessee's equipment does impact other facilities, Lessee shall be required to install, at its own expense, frequency filters or take other reasonable measures to correct the problem. Lessee shall be required to coordinate with other existing utilities or City facilities located at the property, to ensure that

Lessee's equipment does not interfere with the frequency utilized by existing utilities or City facilities. Lessee shall operate its equipment in accordance with applicable laws and regulations.

4.8.8 Other Requirements. Only, if applicable, all operations by Lessee shall be in compliance with all Federal Communications Commission ("FCC") requirements. Should City add new facilities in the future in the vicinity, City will first inform Lessee to make sure such new facilities are compatible with Lessee's equipment. Lessee will not electronically or physically interfere with City owned and operated equipment provided that City's equipment also complies with all FCC requirement and City is not using frequencies in use by Lessee, unless City is otherwise permitted to by law.,. Lessee shall reasonably cooperate with current and future users.

4.8.9 Electromagnetic Emissions. Lessee's operations on the Premises shall comply with all applicable federal laws and regulations regarding electromagnetic emissions. In the event that Lessee installs Improvements that will generate electromagnetic emissions Lessee shall conduct all necessary tests after its Improvements are constructed on the Premises to ensure that its facilities are in compliance with those laws and regulations. The tests shall be conducted by a licensed professional engineer, and the results shall be provided to the City.

ARTICLE 5

Maintenance, Repairs and Alterations

5.1 General. Lessee shall keep in good order, condition and repair the Premises, and the Improvements placed on the Premises. Lessee shall keep the Premises clean and free of debris.

5.2 Surrender. On the last day of the term, or upon the last day of the Option Term, Lessee shall surrender the Premises to City in the same condition as when received, clean and free of debris. Lessee shall also remove all Improvements and cables and wires located above ground or below ground that Lessee placed upon the Premises, and repair any damage to the Premises by the installation, maintenance or removal of Lessee's Improvements and any related cables, wires or other equipment, and shall restore the Premises to the same conditions as when Lessee received the Premises from City. If City desires to keep any Improvements placed on the Premises by Lessee, City shall notify Lessee 60 days in advance of the expiration of the Lease.

5.3 City's Rights. If Lessee is in default, subject to the applicable cure periods, City may (but shall not be required to) enter upon the Premises, (except in the case of an emergency, in which case no notice shall be required), to perform obligations on Lessee's behalf and put the Premises and/or Improvements in good order, condition and repair, and the cost, together with interest at the maximum rate then allowable by law, shall become due and payable as additional rent to City with Lessee's next rental installment, provided, however, in the case of a non-emergency, City shall notify Lessee of City's intention to perform Lessee's obligations ten (10) days prior to performing any work on Lessee's behalf. If no rental installment is due to City, these costs shall become due and payable within thirty (30) days from the date of City's invoice.

5.4 City Repair Obligations. City shall have no obligation to repair and maintain the Premises nor the Improvements and facilities. Lessee expressly waives the benefit of any statute now or

hereinafter in effect which would afford Lessee the right to make repairs at City's expense or to terminate this Lease because of City's failure to keep Premises in good order, condition and repair.

5.5 Security Measures. City shall have the right to require a reasonable security system, device, operation or plan be installed and implemented to protect the Premises or the Improvements. Should City, in its sole discretion, require Lessee to install a security system, Lessee agrees to bear the sole cost of any security system, device, operation or plan and the installation and implementation. Lessee shall obtain City's prior approval before installing or implementing any security system, device, operation or plan.

5.6 Improvements.

5.6.1 Lessee shall pay, when due, all claims for labor or materials furnished or alleged to have been furnished to or for Lessee at or for use on the Premises, which claims are or may be secured by any mechanic or material lien against the Premises or any interest therein. Lessee shall give City not less than ten (10) days' notice prior to the commencement of any work on the Premises, and City shall have the right to post notices of non-responsibility in or on the Premises. If Lessee, in good faith, contests the validity of any lien, claim or demand, then Lessee shall, at its sole expense, defend itself and City against it and shall pay any adverse judgment that may be rendered before enforcement against the City. If City shall require, Lessee shall furnish to City a surety bond satisfactory to City in an amount equal to the contested lien, claim indemnifying City against liability for and holding the Premises free from the lien or claim. In addition, City may require Lessee to pay City's attorneys' fees and costs in participating in the action if City decides to participate.

5.6.2 Before construction of any Improvements are commenced on the Premises, and before any building materials have been delivered to the Premises by Lessee or agents, Lessee shall comply with the following conditions or procure City's written waiver of the conditions specified:

5.6.2.1 Construction Schedule. A construction schedule approved by Lessee and the City setting forth in detail a description of the Improvements and all steps for construction of the Improvements, and Lessee's best estimate of the date upon which each step shall be substantially completed is attached and incorporated herein as **Exhibit "D"**.

5.6.2.2 Protection of Adjacent Property, Indemnity of the City. Lessee shall protect the City Property and adjacent property against damage resulting from the performance of work undertaken by Lessee or Lessee's agents, employees, contractors excluding any damage caused by negligence or the willful act of City, and shall indemnify the City against all liens or liability arising out of the performance of the work or the furnishing of labor, services, materials, supplies, equipment or power.

5.6.2.3 Insurance. In addition to the insurance coverage otherwise required under this Lease, Lessee shall maintain workers' compensation insurance covering all persons employed in connection with the construction of any Improvements, repair or maintenance

activities with respect to whom death or injury claims could be asserted against the City, Lessee or the Premises. City may require any third party(ies) performing work at the Premises maintain workers' compensation insurance at contractor's sole cost and expense at all times when any work is in process and shall otherwise conform to the requirements of this Lease for insurance.

5.6.2.4. Final Inspection. Lessee shall not provide service to its customers from the Improvements in any way without receiving a final inspection of the Improvements from the City.

5.6.2.5 Notice of Changes in Plans. Upon completion of any Improvement, Lessee shall give City notice of all changes in the plans and specifications made during the course of the work and at the same time deliver to City "as built" drawings accurately reflecting all changes, provided that no change that substantially alters the final plans last approved by the City shall be made without the City's prior written approval.

5.7 City Access. The City or its agents, may enter into the area immediately adjacent to the Premises at all reasonable times during the term of this Lease Agreement for the purpose of determining whether or not Lessee is complying with the terms and conditions or for any other purpose incidental to rights of the City.

5.8 Lessee Access. Lessee may enter into or upon the Premises during normal business hours, Monday thru Friday from 8 a.m. to 5 p.m. upon reasonable notice to the City. In the event of an emergency, Lessee's access shall be 24/7.

5.9 Lessee Access During Security Alert. During times of high security alert by the Homeland Security Advisory System, Lessee must obtain City's consent to access the Premises.

ARTICLE 6

Indemnity and Insurance

6.1 Indemnity. This Lease is made upon the express condition that Lessee shall indemnify and hold harmless City and its officers, agents and employees against any suits, claims or actions arising out of Lessee's use of the Premises or from any act permitted, or any omission to act, in or about the Premises or the City Property by Lessee or its agents, employees, contractors or invitees, including, but not limited to, any injury or injuries to, or death or deaths of, persons or property that may occur, or that may be alleged to have occurred from any cause or causes whatsoever, while in, upon, about or in any way connected with the Premises during the term of this Lease, or during any holdover tenancy thereof (except where caused solely by the negligence or misconduct of City, its employees or agents). Lessee agrees to defend any actions, suits or claims and pay all reasonable charges of attorneys and all other costs and expenses arising therefrom; and, if any judgment be rendered against the City or any of the other individuals enumerated above in any action, except to the extent the judgment arises from the negligence or misconduct of the City, its employees or agents, Lessee shall, at its expense, satisfy and discharge same. Or any loss of income, for damage to Lessee's property, or for injury or death of any person in or about the Premises or the City Property, from any cause whatsoever, except to the extent caused by City's negligence or misconduct.

6.2 Insurance. During the term of this Lease, Lessee shall maintain in full force and affect the following insurance policies:

- 6.2.1 Commercial general liability policy (bodily injury and property damage);
- 6.2.2 Worker's Compensation, employer's liability policy; and
- 6.2.3 Comprehensive automobile liability insurance policy.

These policies shall be maintained with respect to employees and vehicles using the Property with coverage amounts and including the required endorsements, certificates of insurance and coverage verifications as defined in **Exhibit "E"** attached and incorporated by this reference.

ARTICLE 7 Damage, Destruction and Termination

7.1 Nontermination and Nonabatement. Except as provided herein, no destruction or damage to the Premises by fire, windstorm or other casualty, whether insured or uninsured, shall entitle Lessee to terminate this Lease, unless Premises are rendered unusable as a communications site.

7.2 Force Majeure. Prevention, delay or stoppage due to strikes, lockouts, labor disputes, acts of God, inability to obtain labor, materials or reasonable substitutes, governmental restrictions, governmental regulation, governmental controls, judicial orders, enemy, or hostile governmental actions, civil commotion, fire or other casualty, and other causes beyond the reasonable control of Lessee, shall excuse the performance by Lessee for a period equal to the prevention, delay or stoppage, except the obligations imposed with regard to rent to be paid by Lessee pursuant to this Lease. In the event any work performed by Lessee or Lessee's contractor's results in a strike, lockout, and/or labor dispute, the strike, lockout, and/or labor dispute shall not excuse the performance by Lessee of the provisions of this Lease.

7.3 Waiver. City and Lessee waive the provisions of any statutes which relate to termination of leases when leased property is destroyed and agree that such event shall be governed by the terms of this Lease.

ARTICLE 8 Taxes

8.1 Personal Property. Lessee shall pay prior to delinquency all taxes, license fees and public charges assessed or levied against Lessee or Lessee's estate in this Lease or Lessee's Improvements, trade fixtures, furnishings, equipment and other personal property.

8.2 Real Property. Lessee shall pay Lessee's share of all real property taxes (as defined in Section 8.3 below) which become due and payable to City on or before the later of ten (10) days prior to the delinquency, or three (3) days after the date on which Lessee receives a copy of the tax bill and notice of City's determination, including documentation reasonably supporting

determination hereunder. Lessee's liability to pay real property taxes shall be prorated on the basis of a three hundred sixty-five (365) day year to account for any fraction or portion of a tax year included in the Lease term at the commencement or expiration of the Lease. Lessee is not responsible for taxes related to rental income to City under this Agreement. Lessee specifically acknowledges it is familiar with Section 107.6 of the California Revenue and Taxation Code, realizes that a possessory interest subject to property taxes may be created, agrees to pay any tax, and waives any rights Lessee may have under Revenue and Taxation Code 107.6.

8.3 Definition. The term "real property taxes" as used herein shall mean:

8.3.1 All taxes, assessments, levies and other charges, general and special, foreseen and unforeseen, now or hereafter imposed by any governmental or quasi-governmental authority or special district having the direct or indirect power to tax or levy assessments, which are levied or assessed against or with respect to (i) value, occupancy, use or possession of the Premises and/or the Improvements, (ii) any improvements, fixtures, equipment and other real or personal property of Lessee that are an integral part of the Premises, (iii) use of the Premises, Improvements public utilities or energy within the Premises;

8.3.2 All charges, levies or fees imposed by reason of environmental regulation or other governmental control of the premises and/or the Improvements;

8.3.3 New excise, transaction, sales, privilege or other taxes now or hereafter imposed upon City as a result of this Lease; and,

8.3.4 All costs and fees (including attorneys' fees) incurred by City in contesting any real property taxes and in negotiating with public authorities as to any real property taxes affecting the Premises. If at any time during the Term, the taxation or assessment of the Premises and/or the Improvements prevailing as of the commencement of this Lease shall be altered, then any tax or charge, however designated, shall be included within the meaning of the term "real property taxes." If any real property taxes are based upon property or rents unrelated to the Premises and/or the Improvements, then only that part of such tax that is fairly allocable to the Premises and/or the Improvements, as determined by City, on the basis of the assessor's worksheets or other available information, shall be included within the meaning of the term "real property taxes."

ARTICLE 9 Utilities

9. Lessee shall pay for all water, gas, heat, light, power, telephone and other utilities and services supplied to the Premises, together with any taxes.

ARTICLE 10 Signs

10. Lessee shall not place any signs upon the Premises without prior written consent of City.

ARTICLE 11

Assignment and Subletting

11.1 City's Consent Required. Lessee shall not voluntarily or by operation of law assign, transfer, mortgage, sublet or otherwise transfer or encumber all or any part of Lessee's interest in this Lease or in the Premises, without City's prior written consent, which consent shall not be unreasonably withheld. City shall respond to Lessee's request for consent in a timely manner and any attempted assignment, transfer, mortgage, encumbrance or subletting without consent shall be void and shall constitute a breach of this Lease.

11.2 Net Worth Requirements. Notwithstanding the foregoing, Lessee may assign or sublet the Premises, or any portion thereof, without the City's consent, to any entity which controls, is controlled by, or is under the common control with Lessee, or to any entity resulting from any merger or consolidation with Lessee, or to any partner of Lessee or to any partnership in which Lessee is a general partner, or to any person or entity which acquires all of the assets of Lessee as a going concern, or to any entity which obtains a security interest in a substantial portion of Lessee's assets. Any entity listed in this paragraph shall have a net worth of not less than one hundred thousand dollars (\$100,000.00).

11.3 No Release of Lessee. No subletting or assignment as approved by City shall release Lessee of Lessee's obligation or alter the primary liability of Lessee to pay the rent and to perform all other obligations to be performed by Lessee hereunder. The acceptance of rent by City from any other person shall not be deemed to be a waiver by City of any provision hereof. Consent to one assignment or subletting shall not be deemed consent to any subsequent assignment or subletting. In the event of default by any assignee of Lessee or any successor of Lessee in the performance of any of the terms hereof, City may proceed directly against Lessee without the necessity of exhausting remedies against the assignee.

ARTICLE 12

Defaults; Remedies

12.1 Defaults. The occurrence of any one or more of the following events shall constitute a material default or breach of this Lease by Lessee:

12.1.1 The abandonment of the Premises by Lessee as defined by Civil Code §1951.3.

12.1.2 The failure by Lessee to make any payment of rent or any other payment required to be made by Lessee hereunder, as and when due, where the failure shall continue for a period of ten (10) business days after written notice from City to Lessee. In the event City serves Lessee with a Notice to Pay Rent or Quit pursuant to applicable Unlawful Detainer statutes, Notice to Pay Rent or Quit shall also constitute the notice required by this subparagraph.

12.1.3 The failure by Lessee to observe or perform any of the covenants, conditions or provisions of this Lease in any material respect to be observed or performed by Lessee, other than those described in Section 12.1(B) above, where the failure shall continue for a period

of thirty (30) days after written notice from City to Lessee; provided, however, that if the nature of Lessee's default is that more than thirty (30) days are reasonably required for its cure, then Lessee shall not be deemed to be in default, if Lessee commenced cure within the thirty (30) day period and thereafter diligently prosecutes the cure to completion.

12.1.4 The making by Lessee of any general arrangement or assignment for the benefit of creditors; Lessee's becoming a "debtor" as defined in 11 U.S.C. §101 or any successor statute thereto (unless, in the case of a petition filed against Lessee, it is dismissed within sixty (60) days); the appointment of a bankruptcy trustee or receiver to take possession of all or substantially all of Lessee's assets located at or on the Premises or of Lessee's interest in this Lease where possession is not restored to Lessee within thirty (30) days; or the attachment, execution or other judicial seizure of all or substantially all of Lessee's assets located at the Premises or of Lessee's interest in this Lease, where seizure is not discharged within thirty (30) days.

12.2 Remedies. In the event of any material default or breach by Lessee, City may at any time, thereafter, following any notice required by statute, and without limiting City in the exercise of any right or remedy which City may have by reason of default or breach:

12.2.1 Terminate Lessee's right to possession of the Premises by any lawful means, in which case this Lease shall terminate and Lessee shall immediately surrender possession of the Premises and Improvements to City. In that event, City shall be entitled to recover from Lessee all damages incurred by City by reason of Lessee's default including, but not limited to, the cost of recovering possession of the Premises, expenses of reletting, including if necessary, removal of Improvements and restoration of the Premises, reasonable attorneys' fees, the worth at the time of the award of the unpaid rent that had been earned at the time of termination of this Lease and the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of such award exceeds the amount of rental loss for the same period that Lessee proves could be reasonably avoided.

12.2.2 Maintain Lessee's right to possession, in which case this Lease shall continue in effect whether or not Lessee shall have abandoned the Premises. In that event, City shall be entitled to enforce all of City's rights and remedies under this Lease, including the right to recover rent as it becomes due.

12.2.3 Pursue any other remedy now or hereafter available to City under the laws or judicial decisions of the State of California.

12.3 No Relief from Forfeiture After Default. Lessee waives all rights of redemption or relief from forfeiture under California Code of Civil Procedure §§1174 and 1179, and any other present or future law, in the event Lessee is evicted or City otherwise lawfully takes possession of the Premises by reason of any default or breach of this Lease by Lessee.

ARTICLE 13

Termination of Lease

13.1 Termination by Lessee. Except as provided otherwise herein or by applicable law,

Lessee may terminate this Lease for cause upon the giving of not less than thirty (30) days written notice to City if any of the following occur:

13.1.1 The failure by City to observe or perform any of the covenants, conditions or provisions of this Lease in any material respect to be observed or performed by City, where the failure shall continue for a period of thirty (30) days after written notice from Lessee to City; provided, however, that if the nature of the City's default is such that more than thirty (30) days are reasonably required for its cure, then City shall not be deemed to be in default, if City commenced to cure within a thirty (30) day period and thereafter diligently prosecutes such cure to completion;

13.1.2 Lessee fails to obtain or loses any permits necessary for operation of the Premises as described above.

13.1.3 Lessee determines that the site is inappropriate for technological reasons, beyond its control; including but not limited to signal interference.

13.2 Termination by City. Except as otherwise provided or by applicable law, City may terminate this Lease for cause upon giving thirty (30) days written notice if any of the following occur:

13.2.1 The City Council of City determines through credible scientific evidence collected with regard to the facility operated at the Premises, that the facility is a threat to public health or safety; or,

13.2.2 Lessee loses or fails to satisfy any condition of any permit required by City necessary for operation of the Premises as a communications facility.

13.3 Condemnation of Leased Premises. Should all or part of the leased premises be taken by any public or quasi-public agency or entity under the power of eminent domain under the term of this lease:

13.3.1 Either City or Lessee may terminate this lease by giving the other thirty (30) days written notice of termination; and

13.3.2 Any damages and compensation awarded or paid because of the taking shall belong to the City, except for amounts paid Lessee for moving expenses or for damage to property owned by Lessee and the value of the unexpired term of this Lease.

ARTICLE 14 City's Liability

14. The term "City" as used herein, shall mean the City only while the City is the owner of the fee title of the Premises. In the event of any transfer of title or interest, the City (and in case of any subsequent transfer, then the grantor) shall, after the date of such transfer, be relieved from all liability with respect to its obligations hereunder occurring after the transfer date, provided that any funds in the hands of City at the time of transfer, in which Lessee has an

interest, shall be delivered to the City's grantee.

ARTICLE 15
Interest on Past-Due Obligations

15. Except as expressly provided, any amount due City when not paid when due shall bear interest at the lesser of ten percent (10%) per year or the maximum rate allowable by law from the date due.

ARTICLE 16
Holding Over

16. If Lessee remains in possession of the Premises or any part after the expiration of the term or option term the occupancy shall be a tenancy from month to month with all the obligations of this Lease applicable to Lessee and at a monthly rental obligation of two (2) times the Base Rent in effect at the time of expiration.

ARTICLE 17
City's Access

17. City and City's agents shall have the right to enter the area adjacent to the Premises for the purpose of showing to prospective purchasers, lenders or lessees, and making alterations, repairs, improvements or additions to the Premises as City may deem necessary.

ARTICLE 18
Quiet Possession

18. Upon Lessee's paying rent for the Premises and observing and performing all of the covenants, conditions and provisions on Lessee's part to be observed and performed, Lessee shall have quiet possession of the Premises for the entire term subject to all of the provisions of this Lease.

ARTICLE 19
Easements

19. City reserves to itself, the right, from time to time, to grant such easements, rights and dedications that City deems necessary or desirable, and to cause the recordation of parcel maps and restrictions, so long as the easements, rights, dedications, maps and restrictions do not materially interfere with the use of the Premises by Lessee. Lessee shall sign any of the aforementioned documents upon request of City and failure to do so shall constitute a material breach of this Lease.

ARTICLE 20

General Provisions

20.1 Severability. The invalidity of any provision of this Lease as determined by a court of competent jurisdiction shall in no way affect the validity of any other provision.

20.2 Time of Essence. Time is of the essence under this Lease.

20.3 Additional Rent. Any monetary obligations of Lessee to City under the terms of this Lease shall be deemed to be rent and all references herein to "rent" shall be deemed to include the Base Rent and all other sums paid or payable by Lessee to City.

20.4 Entire Agreement, Modification. This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding shall be effective. This Lease may be modified in writing only.

20.5 No Warranty. Except as otherwise stated in this Lease, Lessee hereby acknowledges that neither the City nor any employees or agents of the City has made any oral or written warranties or representations to Lessee relative to the condition or use by Lessee of the Premises and Lessee acknowledges that Lessee assumes all responsibility regarding the Occupational Safety and Health Act, the legal use and adaptability of the Premises and compliance with all applicable laws and regulations in effect during the term of this Lease.

20.6 Notices. Any notice required or permitted to be given, shall be in writing and may be given by personal delivery or by first class mail, and if given personally or by mail, shall be deemed sufficiently given if addressed to Lessee or to City at the address noted below:

Lessee:

Elise J. Brentnall
Managing Partner
LCB Communications LLC.
P.O. Box 1246
San Martin, CA 95046

City:

City Manager
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037-4128

With Copy to:

City Attorney
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037-4128

Each notice shall specify the provision pursuant to which it is given. Either party may specify a different address or contact person. A copy of all notices required or permitted to be given to City hereunder shall be concurrently transmitted to the party at the address as City designated by notice to Lessee. Notice given under this section shall be deemed in compliance with applicable statutory notice requirements, including Code of Civil Procedure §1162.

20.7 Waivers. No waiver by City or Lessee of any provision shall be deemed a waiver of any other provision or of any subsequent breach by City or Lessee of the same or any other provision. City's or Lessee's or approval of, any act shall not be deemed to render unnecessary obtaining of their consent of any subsequent act. The acceptance of rent by City shall not be a waiver of any preceding breach by Lessee of a provision, other than the failure of Lessee to pay the particular rent so accepted, regardless of City's knowledge of the breach at the time of acceptance of rent.

20.8 Cumulative Remedies. No remedy or election under this Lease shall be deemed exclusive but shall, wherever possible, be cumulative with all other remedies at law or in equity.

20.9 Choice of Law. This Lease shall be governed by the laws of the State of California. The language of all parts of this Lease shall be construed with its fair meaning and not strictly for or against the City or Lessee.

20.10 Condition to Effectiveness of Lease. The approval of the City Council of City constitutes an express condition precedent to the effectiveness of this Lease.

20.11 Attorneys' Fees. If either party brings an action to enforce the terms or declare rights hereunder, the prevailing party in any such action, shall be entitled to its reasonable attorneys' fees and court costs to be paid by the other party.

20.12 Brokers. Each party represents that it has not had dealings with any real estate broker or finder, with respect to this lease in any manner. Each Party shall hold harmless the other party from all damages resulting from any claims that may be asserted against the other party by any broker, finder, or other person with whom the Indemnifying Party has or purportedly has dealt.

20.13 Authority. Each individual executing this Lease on behalf of Lessee and City represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of said party.

20.14 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.

20.15 Non-Discrimination. Lessee covenants it shall not discriminate based upon race, color, creed, religion, sex, marital status, age, handicap, national origin or ancestry in any activity under this lease.

20.16 Independent Contractor. It is agreed that Lessee shall act and be an independent contractor

and not an agent nor employee of City.

20.17 Conflict of Interest. Lessee shall at all times avoid conflict of interest or appearance of conflict of interest in performance of this agreement.

20.18 Memorandum of Lease. Following execution of this Lease, either party, at its sole expense shall be entitled to record a Memorandum of Lease in the official records of Santa Clara County. Upon termination or expiration of this Lease, Lessee shall execute and record a quitclaim deed.

20.19 Estoppel Certificate. Lessee shall, from time to time, upon at least thirty (30) days prior written notice from City, execute, acknowledge and deliver to City a statement in writing (a) certifying this Lease is unmodified and in full force and effect, or, if modified, stating the nature of the modification and certifying that the Lease, as modified, is in full force and effect, and the date to which the rental and other charges, if any, have been paid; and, (b) acknowledging that there are not to Lessee's knowledge, any defaults, or stating if any defaults are claimed, any statement may be relied upon by any prospective purchaser or encumbrancer of the City Property.

CITY OF MORGAN HILL, CALIFORNIA

APPROVED AS TO
FORM:

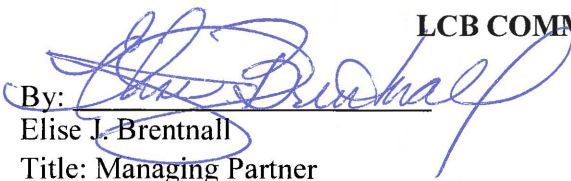
Donald A. Larkin
City Attorney

Christina Turner
City Manager

ATTEST:
City Clerk

"City"

LCB COMMUNICATIONS LLC

By: 
Elise J. Brentnall
Title: Managing Partner

LCB COMMUNICATIONS LLC
P.O. Box 1246
San Martin, CA 95046
Telephone: _____

"Lessee"

List of Exhibits:

Exhibit A	Legal Description of City Property
Exhibit B	Map of the Premises
Exhibit C	Copy of Plans for the Improvements
Exhibit D	Construction Schedule
Exhibit E	Insurance Requirements

Lease Equipment Shelter City of Morgan Hill South Valley Internet
revised 12-13-19

Exhibit A
Legal Description of City Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MORGAN HILL, IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Portion of Lots 13, 14, 15 and 16, as shown on that certain Map entitled "Catherine Dunne Ranch Map No. 3", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on May 11, 1894 in Book H of Maps at Page(s) 64 and 65 and more particularly described as follows:

Beginning at the common corner for Lots 6, 7, 16 and 17, as shown upon the Map above referred to; and running thence along the line between Lots 16, 17 and 18 said Catherine Dunne Ranch Map No. 3, South 65° 31' West 7.143 chains; thence on a line parallel with the center line of Sunset Road as shown on said Map No. 3 above referred to, South 24° 29' East 32.694 chains to the center line of Edmundson Avenue; thence along the center line of said Edmundson Avenue North 55° 44' East 7.248 chains to the common corner for Lots 10 and 13; thence North 24° 29' West 10.463 chains to the common corner for Lots 9, 10, 13 and 14; thence along the line between Lots 13 and 14 South 65° 31' West 1.473 chains; thence North 24° 29' West 3 1/2 chains; thence North 65° 31' East 1.473 chains to the line between Lots 9 and 14; thence along the line between Lots 7, 8, 9, 14, 15 and 16, North 24° 29' West 17 1/2 chains to the point of beginning.

PARCEL TWO:

Portion of Lots 8 and 9, as shown on that certain Map entitled "Catherine Dunne Ranch Map No. 3", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on May 11, 1894 in Book H of Maps at Page(s) 64 and 65, and more particularly described as follows:

Beginning at a point on the Southwesterly line of Lot 9, distant thereon North 24° 29' West 231.00 feet from the Southernmost corner of said Lot 9, as said Lot is shown on the Map above referred to, said point of beginning also being the Southernmost corner of that certain 10.00 acre tract of land described in the Deed from Agnes B. Drewry to Rino I. Tonus, et ux, dated July 12, 1945, recorded July 10, 1945 in Book 1265, of Official Records, Page 531, Santa Clara County Records; running thence North 24° 29' West along the Southwesterly line of Lots 9 and 8, as said Lots are shown on the Map above referred to, for a distance of 462.00 feet to the Westernmost corner of said 10.00 acre tract; running thence North 65° 31' East along the Northwesternly line of said 10.00 acre tract 565.71 feet; thence at right angles South 24° 29' East 462.00 feet to a point on the Southeasterly line of said 10.00 acre tract; running thence South 65° 31' West along said last named line 565.71 feet to the point of beginning.

EXCEPTING THEREFROM all that portion of said land conveyed by that certain Grant Deed to Santa Clara Valley Water District, a public corporation by Grant Deed recorded February 13, 1992 in Book M 050, at Page 0929, Instrument No. 11239737, of Official Records.

Exhibit A**Legal Description of City Property (CONT)****PARCEL THREE:**

A portion of Lot 9 of the Catherine Dunne Ranch Map No. 3, as recorded in Book H of Maps, Page 65, in the County Recorder's Office of the County of Santa Clara, California, further described by metes and bounds as follows:

Beginning at a point which is N. 24° 29' W. a distance of 49.00 feet and S. 65° 31' W. a distance of 605.00 feet from the most Easterly corner of said Lot 9; thence N. 24° 29' W. a distance of 167.00 feet; thence N. 65° 31' E a of 260.84 feet; thence S. 24° 29' E. a distance of 167.00 feet; thence S. 65° 31' W. a distance of 260.84 feet to the point of beginning.

PARCEL FOUR:

Portions of Lot 9, as shown upon that certain Map entitled, "Catherine Dunne Ranch Map Number 3", which was filed for record in the office of the Recorder, County of Santa Clara, State of California, on May 11, 1894, in Book H of Maps, at Pages 64 and 65 as follows:

Beginning at a point on the Easterly line of said Lot 9, said point being distant N. 24° 29' W. 216.00 feet from the most Easterly corner of Lot 9 as said Lot is shown on that aforementioned Map; thence from said point of beginning S. 65° 31' W. a distance of 344.16 feet; thence parallel to Monterey Road S. 24° 29' E a distance of 35 feet; thence N. 65° 31' E. a distance of 344.16 feet; thence N. 24° 29' W. a distance of 15 feet to the point of beginning.

PARCEL FIVE:

Beginning at a point on the Northwestern line of Lot No. 9 same being the Southeasterly line of the Monterey Road, on Catherine Dunne Ranch Map No. 3 which Map is now on file and of record in the office of the County Recorder of Santa Clara County, State of California, in Book H of Maps, Page 65, distant thereon S. 24° 29' E. 3 1/2 chains from the Northwestern corner of said Lot No. 9 and running thence on a line parallel with the line between Lots 9 and 10 S. 65° 31' W. 15.759 chains, thence S. 24° 29' E. 2 1/2 chains to a point in the prolongation of the line between Lots 9 and 10 on said Catherine Dunne Ranch Map No. 3; thence along the prolongation of the line between Lots 9 and 10, and the line between Lots 9 and 10 N. 65° 31' E 6.592 chains, thence parallel with the Lots 9 and 14, N. 24° 29' W. 3.275 chains, thence parallel with the line between Lots 9 and 10 N. 65° 31' E 9.16 2/3 chains to the Northeastern line of said Lot No. 9 thence along said last mentioned line N. 24° 29' W. 0.227 chains to the point of beginning, being the Southwesterly part of Lot 9 and the Northeasterly part of Lot No. 14 on said Catherine Dunne Ranch Map No. 3.

APN: 767-18-048

Exhibit B
Map of Premise

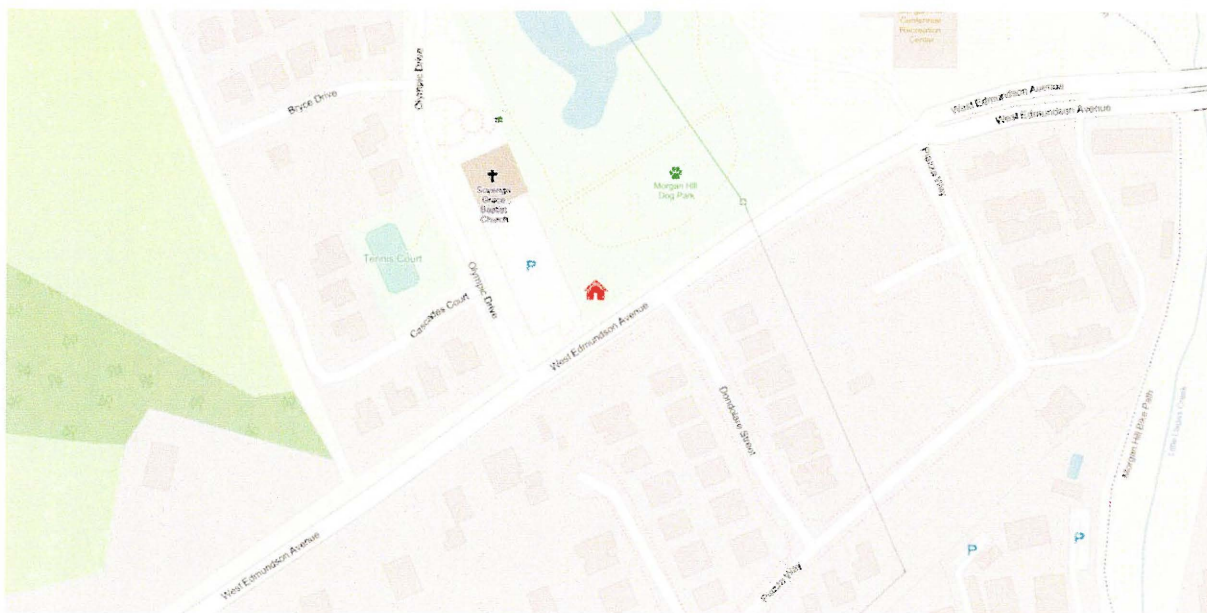


Exhibit C
Copy of Plans for the Improvements

To be completed after agreement approval

Exhibit D
Construction Schedule

To be completed after agreement approval

EXHIBIT "E"**Insurance Requirements**

On or before the commencement of the terms of this Lease, Lessee shall furnish City with evidence of insurance as set forth below. Lessee shall maintain the insurance policies at its sole cost and expense. Such policies shall be maintained for the full term of this Lease. The term "City" shall include the duly elected or appointed council members, commissioners, officers, agents, employees and volunteers of the City of Morgan Hill, California, individually or collectively. The required insurance must cover the activities of Lessee, including its representatives and contractors. 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. All required insurance must be issued by a company licensed to do business in the State of California, and each such insurer must have an A.M. Best's financial strength rating of "A" or better and a financial size rating of "VII" or better. If Lessee fails to provide any of the required coverage in full compliance with the requirements of the Agreement, City may, at its sole discretion, purchase appropriate insurance and charge all costs related to such policy to Lessee or terminate the Lease for default. Lessee further understands that City reserves the right to modify the insurance requirements set forth herein, with thirty (30) days' notice provided to Lessee, at any time as deemed necessary to protect the interests of City.

(A) Policies and Limits. The following insurance policies and limits are required for this Lease unless otherwise specified in the Special Conditions:

- (1) Commercial General Liability Insurance ("CGL"). Lessee shall maintain CGL and shall include coverage for liability arising from Lessee's acts or omissions against claims and liabilities for personal injury, death, or property damage providing protection in the minimum amount of one million dollars (\$1,000,000.00) combined single limit each occurrence and a general aggregate limit of two million dollars (\$2,000,000.00).
- (2) Workers' Compensation Insurance and Employer's Liability: Lessee shall maintain Workers Compensation coverage, as required by law. The policy must comply with the requirements of the California Workers' Compensation Insurance and Safety Act and provide protection in the minimum amount of One Million Dollars (\$1,000,000.00) for any one accident or occurrence. If Lessee is self-insured, Lessee must provide its Certificate of Permission to Self-Insure, duly authorized by the Department of Industrial Relations.
- (3) Automobile Liability: Lessee shall maintain Automobile Liability covering all owned, non-owned and hired automobiles (if Lessee does not own automobiles, then Lessee 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 One Million Dollars (\$1,000,000.00) combined single limit.
- (4) Property Insurance: Lessee shall maintain Property Insurance to cover Lessee's personal property, including temporary structures, furniture and fixtures, at an amount equal to the full replacement cost of such property. Such coverage shall include protection against fire, theft, vandalism, sprinkler leakage, malicious activity, and all other forms of loss

EXHIBIT "E"**Insurance Requirements**

("all-risk" coverage). Lessee may elect to self-insure Lessee's personal property by written notice given to CITY.

(B) Required Endorsements. Lessee must provide proof of the following endorsements, listed for each policy for which endorsements are required, as outlined below:

(1) For all Policies except Property insurance:

- a. "Waiver of Subrogation" endorsements providing that the carrier agrees to waive any right of subrogation it may have against the City of Morgan Hill and City's elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers.

(2) General Liability and Automobile Liability:

- a. "Additionally Insured" endorsements naming the City of Morgan Hill, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers as additional insureds;
- b. "Primary and Non-Contributing" endorsements stating that the policy is primary non-contributing;

(C) Certificates. Lessee must furnish City with copies of all certificates and endorsements as outlined herein, whether new or modified, promptly upon receipt. No policy subject to Lessee's Lease with City may be reduced, canceled, allowed to expire, or materially changed except after thirty (30) days' notice by the insurer to City, unless due to non-payment of premiums, in which case ten (10) days written notice must be made to City. Certificates, including renewal certificates, may be mailed electronically to riskmgmt@morganhill.ca.gov or delivered to the Certificate Holder address as follows:

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



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2020

PREPARED BY: David Gittleson, Associate Engineer
APPROVED BY: City Manager

APPROVE PURCHASE OF PROPERTY (KIM & HWANG) APN 726-21-006 FOR THE MAIN AVENUE BIKE LANE AND SIDEWALK PROJECT

RECOMMENDATION(S)

1. Adopt resolution approving the purchase of a portion of APN 726-21-006 for \$101,277 plus escrow and closing costs from Kevin Kim and Jessica Hwang for the Main Avenue Bike Lane and Sidewalk Project; and
2. Authorize the Public Services Director to execute all documents and make minor modifications as necessary in order to consummate the transaction.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Maintaining Fiscal Responsibility

2019 Strategic Priorities

Infrastructure
Traffic/Transportation

GUIDING DOCUMENTS

Bikeways
Trails
Parks and Recreation Masterplan
General Plan/Housing Element

REPORT NARRATIVE:

The Main Avenue Bike Lane and Sidewalk project consists of installing bike lanes along Main Avenue between Butterfield Boulevard and Condit Road as well as 306 lineal feet of road widening and new sidewalk. In order to widen the road and construct the proposed improvements, 2,034 square feet of right of way must first be acquired from the property owners at 465 East Main Avenue (Attachment 1).

The City first notified the property owners in November 2018 that a portion of their property was needed for the Main Avenue Bike Lane and Sidewalk Project and that the subject property would be appraised in the next few months. An initial offer was then made to the property owners on April 17, 2019 based upon a certified appraisal. On August 5, 2019, the City received a response form the property owners stating that the City undervalued the improvements and damages. On August 8, 2019, the City met with the owners to discuss the offer amount and granted them more time to evaluate the impacts to their property. On September 26, 2019, the City met with the property owners and an administrative settlement was reached in the amount of \$101,277.

Subsequently, a Property Purchase Agreement was prepared and signed by the property owners (Attachment No. 3). Staff, therefore, recommends that City Council approve the property purchase as: 1) the property is required for the project, 2) the owner is a willing seller, and 3) the cost to litigate would be substantially greater. The escrow, closing, and title insurance costs would also be paid by the City.

COMMUNITY ENGAGEMENT: Inform

During the design process, project information was available via NextDoor, the City's email subscribers, and the City's website. Residents living near or adjacent to the proposed improvements will be notified prior to installing the improvements.

ALTERNATIVE ACTIONS:

No alternative actions.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- On June 6, 2018, the City Council adopted the FY 2018-19 through 2023-24 Capital Improvement Program, which includes the Main Avenue Bike Lane and Sidewalk project.
- On December 19, 2018, the City Council approved a Transportation Fund for Clean Air (TFCA) grant for \$65,100 for the project.

FISCAL AND RESOURCE IMPACT:

Sufficient funds for the \$101,277 property acquisition, plus escrow and closing costs, have been budgeted for the project. The project is included in the adopted FY 2018-19 through 2023-24 Capital Improvement Program (CIP#580018) with a total project budget of \$550,000 utilizing School Pedestrian & Traffic Safety Funds (355). The TFCA reimbursement grant amount of \$65,100 will be applied to the construction portion of the project.

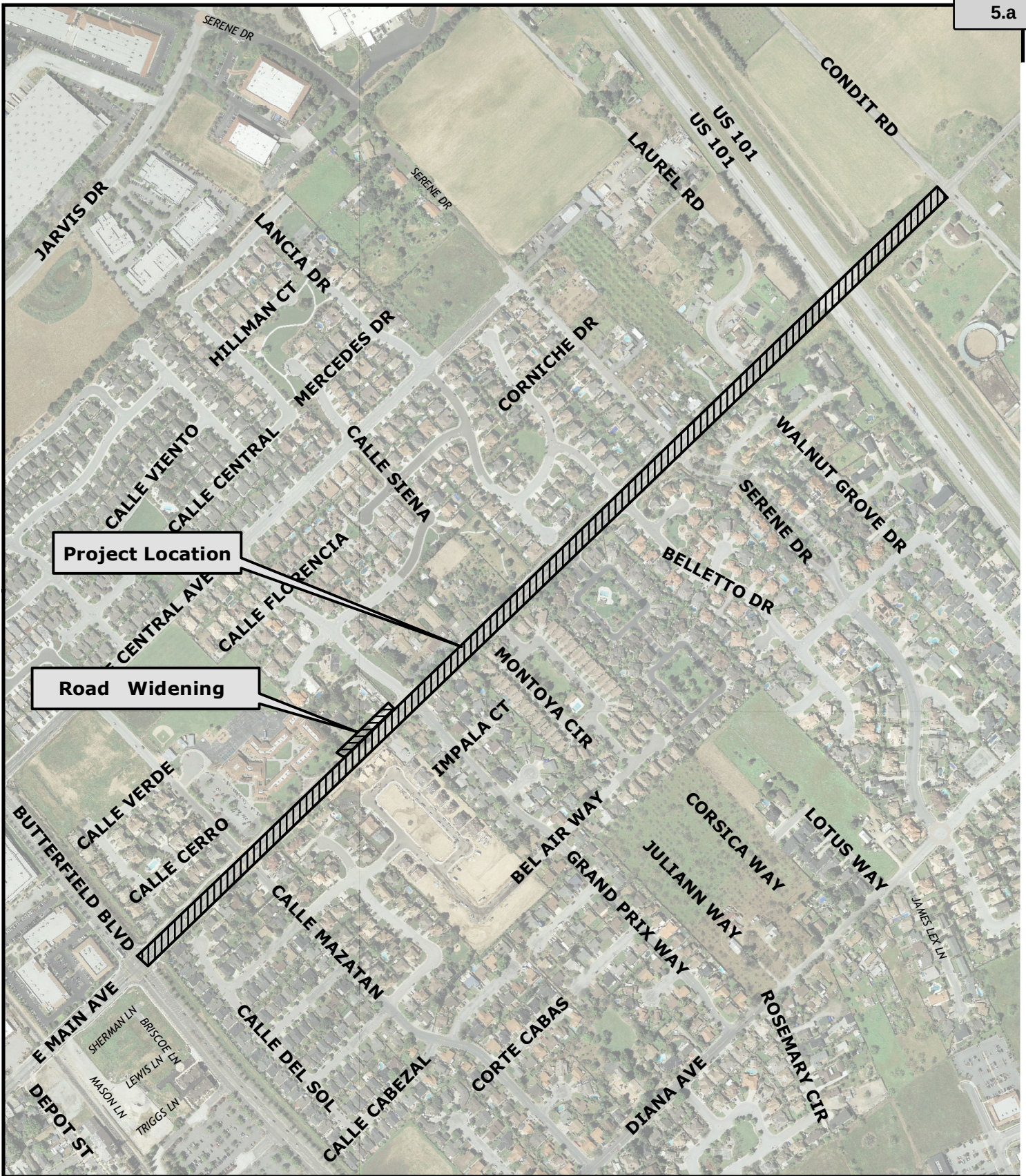
CEQA (California Environmental Quality Act):

Project

The Project is categorically exempt per the California Environmental Quality Act (CEQA) Guidelines specifically identify by Section 15301 - Existing Facilities: Operation, repair, maintenance or minor alterations to existing public and private facilities involving no or negligible expansion of existing or former use.

LINKS/ATTACHMENTS:

1. Project Location Map
2. Resolution-Kim & Hwang
3. Resolution Attachment A-Kim & Hwang Agreement
4. Grant Deed-Kim & Hwang



Attachment: Project Location Map [Revision 1] (2633 : Main Avenue Property Purchase)



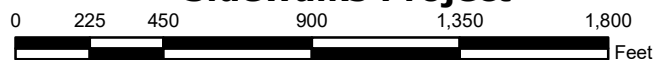
CITY OF MORGAN HILL

Engineering Division

Development Services Department

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PROJECT LOCATION MAP for Main Avenue Bike Lanes and Sidewalks Project



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A PROPERTY PURCHASE AGREEMENT FOR A PORTION OF PROPERTY (APN 726-21-006) FROM KEVIN KIM AND JESSICA HWANG, FOR THE MAIN AVENUE BIKE LANE AND SIDEWALK PROJECT

WHEREAS, the Main Avenue Bike Lane and Sidewalk Project is included in the Fiscal Years 2018-19 through 2023-24 Capital Improvement Program under CIP#580018 with funding budgeted for design, construction and purchasing right of way. The subject property from Kevin Kim and Jessica Hwang, is required in order to construct the project, and therefore in the public's interest to acquire a portion of the real property for the public Project (Main Avenue Bike Lane and Sidewalk Project); and

WHEREAS, on November 27, 2018, the City of Morgan Hill sent Kevin Kim and Jessica Hwang a letter of Notice of Decision to Appraise the subject property; and

WHEREAS, on January 19, 2020, the property owners, Kevin Kim and Jessica Hwang signed a Property Purchase Agreement for an administrative settlement amount of \$101,277; and

NOW, THEREFORE, City Council of the City of Morgan Hill, based upon the foregoing and all documents, statements and facts known to City Council, does hereby resolve:

SECTION 1. Approval of Property Purchase Agreement. City Council approves the Property Purchase Agreement to acquire a portion of real property for a total amount of \$101,277 from Kevin Kim and Jessica Hwang, see Attachment A. The Settlement amount of \$101,277 plus escrow and closing costs are hereby approved.

SECTION 2. Authority to City Manager. City Council authorizes the City Manager to execute the Agreement and all documents necessary to consummate the transactions contemplated therein, including without limitation, accepting the Grant Deed. City Council further authorizes the City Manager to make minor modifications to the foregoing described documents which may be necessary to consummate the transactions.

SECTION 3. CEQA. The Project is categorically exempt per the California Environmental Quality Act Guidelines specifically identify by Section 15301 - Existing Facilities: Operation, repair, maintenance or minor alterations to existing public and private facilities involving no or negligible expansion of existing or former use.

The City Council finds and determines that the project that is the subject of this Resolution is within this categorical exemption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 5th day of February 2020 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

IRMA TORREZ, City Clerk

∞ **CERTIFICATION** ∞

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-XXX, adopted by the City Council at the meeting held on the 5th day of February 2020.

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

DATE: _____

Irma Torrez, CITY CLERK

Attachment: Resolution-Kim & Hwang [Revision 2] (2633 : Main Avenue Property Purchase)

City of Morgan Hill
PROPERTY PURCHASE AGREEMENT

This Property Purchase Agreement (the "Agreement") is between Kevin Kim and Jessica Hwang, husband and wife as community property with right of survivorship ("GRANTOR") and the City of Morgan Hill, a municipal corporation ("CITY").

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. Entire Agreement

The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for the Grant Deed and shall relieve CITY of all further obligations or claims on this account or on account of the location, grade, construction or operation of the proposed public improvement.

2. Public Purpose

CITY and GRANTORS acknowledge and agree that the portion of the GRANTORS' property being acquired by CITY is for public use and is necessary for the construction, operation and maintenance of the Main Avenue Bike Lanes and Sidewalk Project, a public project, and as such CITY may acquire the Subject Property through the exercise of the power of eminent domain. Furthermore, CITY asserts that an Improvement Agreement dated February 7, 1968 executed by GRANTORS' predecessor in interest and recorded on April 3, 1968 as Document Number 3393896, obligates GRANTORS to grant an easement to CITY for road purposes and to construct frontage improvements at GRANTORS' expense. GRANTORS dispute the validity of this Improvement Agreement. Both GRANTORS and CITY recognize the expense, time, effort and risk to both GRANTORS and CITY in resolving a dispute with respect to compensation for the Subject Property by eminent domain litigation or to litigate the validity of the Improvement Agreement; and, the compensation set forth herein is in compromise and settlement, in lieu of such litigation.

3. Grantors shall:

Deposit in an escrow designated by CITY, a Grant Deed suitable for recordation and conveying from GRANTOR to CITY a fee simple title as indicated in Exhibits "A and B," incorporated herein by this reference, covering the property particularly described therein (collectively "Subject Property").

4. CITY shall:

- A. Pay the sum of **ONE HUNDRED ONE THOUSAND TWO HUNDRED AND SEVENTY-SEVEN DOLLARS (\$101,277.00)** for the Subject Property identified in Exhibit(s) "A" and "B" attached hereto and made a part hereof, to the following title company: Old Republic Title Company "ORTC", for the account of the GRANTOR, Escrow No.0625013307-BP conditioned upon the Subject Property vesting in CITY free and clear of all liens, leases, encumbrances, (recorded or unrecorded), assessments and taxes except any exceptions to title which are

JN 1/19/2020

KK 1/19/20

GRANTOR: KEVIN KIM AND JESSICA HWANG
PROJECT NAME: MAIN AVENUE BIKE LANES & SIDEWALK PROJECT

APN: 726-21-006 (PORTION OF)

acceptable to CITY as said exceptions are identified in the title report relating to the Subject Property issued by the above Title Company bearing the escrow number shown in Clause 4A and dated November 2, 2018, and updates thereof. Clearing of any title exceptions not acceptable to CITY is the responsibility of GRANTOR.

- B. Pay all escrow, recording and title insurance charges, if any, incurred in this transaction.
- C. Prior to the close of escrow, have the authority to deduct and pay from the amount shown in Clause 4A herein any amount necessary to satisfy any liens, bond demands and delinquent taxes due, together with penalties and interest thereon, and/or delinquent and unpaid non delinquent taxes and assessments, which may have become a lien at the close of escrow. Taxes for the tax year in which this escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code if unpaid at the close of escrow. Close of escrow for this transaction shall be contingent upon the title company receiving deeds of reconveyance from any deed of trust or mortgage holder trustees and beneficiaries.
- D. The consideration set forth in Clause 4A herein shall include payment in full for the following improvements: All structures, fences, gates, irrigation and landscaping and other improvements affixed to the land which are owned by GRANTOR as owner or tenant of the real property proposed to be acquired will also be conveyed unless other disposition of these improvements has been made. The real property interest(s) proposed to be acquired is: *fee simple* respectively, as described in Exhibit(s) "A" and "B".

5. Miscellaneous Realty Items Acquired

It is understood and agreed by and between the parties hereto that payment in Clause 4 above includes, but is not limited to, payment for wood fencing, electric gate, mailbox, all trees and shrubs within the take area, including irrigation, which are considered to be part of the realty and are being acquired by the CITY in this transaction. It is further understood that the CITY or its authorized agent is hereby granted the right to enter the remaining property of GRANTOR for the purpose of removing these improvements.

- a. Prior to the start of construction, the City shall provide Grantor with thirty (30) days written notice to clear and remove all personal items from the subject take area.
- b. The City intends to remove and retain the existing fencing and gate system, which are not considered personal items.

6. Permission to Enter Grantor's Property

Permission is hereby granted to City or its authorized agent to enter on my/our land, where necessary, to install sidewalk and or landscaping for public purposes.

7. Fence is Sole Property of the Grantor

Attachment: Resolution Attachment A-Kim & Hwang Agreement [Revision 2] (2633 : Main Avenue Property Purchase)

JK 1/19/20

KK 1/19/20

GRANTOR shall be responsible to construct a new fence/gate system of their choosing, including any landscaping and irrigation as part of this settlement if they so choose on the remainder property. This would include any cameras or keypads. City permits, if required, are applicable to this work. The new fence/gate will remain the sole property of the Grantor(s) and the Grantor(s) will be responsible for its maintenance and repair. If the new fence is damaged by the CITY'S project, the CITY will be responsible to repair it to the GRANTOR(s) satisfaction.

8. CITY Performed Work

All work done under this Agreement shall conform to all applicable building, fire and sanitary laws, ordinances, and regulations relating to such work, and shall be done in a good and workmanlike manner. All structures, improvements or other facilities, when removed, and relocated, or reconstructed by CITY, shall be left in as good condition as found.

9. Payment of Deed of Trust

If this property is secured by a mortgage(s) or deed(s) of trust, GRANTOR is responsible for payment of any demand under authority of said mortgage or deed of trust out of GRANTOR'S proceeds. Such amounts may include, but not be limited to, payments of unpaid principal and interest.

10. Escrow Instructions

GRANTOR hereby authorizes CITY to prepare and file escrow instructions in accordance with this Agreement on behalf of both parties.

11. Hazardous Wastes

The acquisition price of the Subject Property being acquired in this transaction reflects the fair market value of the Subject Property without the presence of contamination. If the Subject Property being acquired is found to be contaminated by the presence of hazardous waste which requires mitigation under Federal or State law, the CITY may elect to recover its clean-up costs from those who caused or contributed to the contamination. GRANTOR shall further indemnify, defend, save and hold harmless the CITY from any and all claims, costs and liability, including reasonable attorney's fees, for any damage, injury or death to persons or property arising directly or indirectly from or connected with the existence of toxic or hazardous material on the Subject Property, save and except claims, costs or litigation arising through the sole willful misconduct of the CITY, its agents or employees.

12. Right of Possession and Use

It is agreed and confirmed by the parties hereto that, notwithstanding the other provisions in this Agreement, the right of possession and use of the Subject Property by CITY, and/or its designees or assignees including the right to remove and dispose of improvements, and install and connect utilities shall commence on close of escrow and that the amount shown in Clause 4A herein includes, but is not limited to, full payment for such possession and use, including interest and damages if any, from said date.

13. Binding on Successors and Assigns

This Agreement shall be binding on and inure to the benefit of the respective heirs, successors and assigns of the parties to this Agreement.

14. No Leases

GRANTOR warrants that there are no oral or written leases on all or any portion of the Subject Property exceeding a period of one month, and GRANTOR further agrees to hold CITY harmless and reimburse CITY for any and all of its losses and expenses occasioned by reason of any lease of said Subject Property held by any tenant of GRANTOR for a period exceeding one month.

15. Release of Claims

GRANTOR, for itself, its agents, assigns, successors in interest, and any related or affiliated entities, hereby fully releases and discharges CITY, its agents, employees, officers, directors, divisions, attorneys, accountants, insurers, successors, and other representatives, and any and all related or affiliated private or public agencies or entities, from any and all causes of action, actions, judgments, liens, indebtedness, obligations, losses, claims, damages, liabilities and demands, including without limitation any claim arising out of or pertaining, directly or indirectly, to the acquisition of the Subject Property described in this Agreement and the construction of any improvements thereon, including without limitation, inverse condemnation, nuisance, severance damages, relocation benefits, reestablishment benefits, the cost or value of any equipment or fixtures, attorneys' fees and costs, loss of goodwill, construction-related dust, noise, traffic and other related construction activity, and lost rentals or business associated with construction of any improvements, and any other types of related losses or damages.

GRANTOR acknowledges that it may hereafter discover facts or law different from, or in addition to that which it now believes to be true with respect to his/her release of claims as set forth in this Agreement, and understands that by executing this Agreement it is waiving any rights of claims for any other or future benefits or damages to which it might be entitled which are not specifically exempted herein. In giving this release, GRANTOR expressly waives the protection of Civil Code Section 1542, which statute provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

16. Approval of City Council

GRANTOR understands that this Agreement is subject to the approval of CITY Council. Further, that this Agreement shall have no force or effect unless and until said CITY approval has been obtained.

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17. Authority to Sign

GRANTOR and the signatories represent and warrant that the signatories to this Agreement are authorized to enter into this Agreement to convey real property and that no other authorizations are required to implement this Agreement on behalf of GRANTOR.

18. Integrity of Property

Except as otherwise provided herein or by express written permission granted by CITY, GRANTOR shall not, after the date of execution of this Agreement and the close of escrow, alienate, lien, encumber or other transfer of the Subject Property or any portion thereof or allow the same to occur, cause or allow any physical changes on the Subject Property, or enter into any lease or contract with respect to the Subject Property or any portion thereof which would survive the close of escrow and impair CITY's use of the Subject Property. GRANTOR shall maintain the Subject Property in its current condition and shall make, at GRANTOR's expense, all repairs necessary to maintain the Subject Property in such condition.

19. Casualty or Loss

If, prior to the close of escrow, GRANTOR becomes aware that all or any material portion of the Subject Property has been destroyed, or substantially damaged, GRANTOR shall promptly give CITY written notice of the event, and CITY, at its option, may, on or before the close of escrow, elect to terminate this Agreement by giving GRANTOR written notice of termination, in which event the parties shall be relieved and released of and from any further duties, obligations, rights, or liabilities hereunder. If CITY elects to complete the transactions contemplated in this Agreement, the Agreement shall remain in full force and effect and the purchase contemplated herein shall be consummated with no further adjustment or modification, and at the close of escrow, GRANTOR shall assign, transfer, and set over to CITY all of the right, title, and interest of GRANTOR in and to any insurance proceeds resulting from any casualty or any awards that have been or may thereafter be made. Such set over may be made at close of escrow by crediting the amounts of any such proceeds and/or awards against the amounts by CITY for the property acquisition under this Agreement.

20. Counterparts Signature

This Agreement may be executed in counterparts, each of which shall be an original, but all counterparts shall constitute one agreement.

21. Specific Performance and Other Remedies

The parties understand that the interests and rights being conveyed by this Agreement are unique and for that reason, among others, the parties will be irreparably damaged in the event that this Agreement is not specifically enforced. Accordingly, in the event of any controversy concerning the obligations under this Agreement, such obligation shall be enforceable by a decree of specific performance or by injunction. Such remedies and all other rights and remedies set forth herein shall be cumulative and not exclusive, and shall be in addition to any and all other remedies which the parties may have hereunder at law or in equity.

JK 1/19/20

KK 1/19/20

GRANTOR: KEVIN KIM AND JESSICA HWANG
PROJECT NAME: MAIN AVENUE BIKE LANES & SIDEWALK PROJECT

APN: 726-21-006 (PORTION OF)

22. Severability.

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall continue in full force without being impaired or invalidated in any way.

23. Governing Law and Venue.

This Agreement shall be governed by and 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. Notices

All notices and demands shall be given in writing either by personal service or by registered or certified mail, postage prepaid, and return receipt requested. Notice shall be considered given when mailed. Notices shall be addressed as shown below for each party:

City of Morgan Hill
Development Services Center
David Gittleson, P.E.
17575 Peak Avenue
Morgan Hill, CA 95037

Kevin Kim & Jessica Hwang
465 East Main Avenue
Morgan Hill, CA 95037

25. Independent Legal Advice

Each party has received independent legal advice from its attorneys with respect to the advisability of executing this Agreement and the meaning of the provisions hereof. The provisions of this Agreement shall be construed as to the fair meaning and not for or against any party based upon any attribution of such party as the sole source of the language in question.

(As used above, the term, "GRANTOR" shall include the plural as well as the singular number.)

Attachment: Resolution Attachment A-Kim & Hwang Agreement [Revision 2] (2633 : Main Avenue Property Purchase)

Jh/Ya/mo

KK 1/19/20

GRANTOR: KEVIN KIM AND JESSICA HWANG
PROJECT NAME: MAIN AVENUE BIKE LANES & SIDEWALK PROJECT

APN: 726-21-006 (PORTION OF)

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written herein below.

CITY:

City of Morgan Hill
A Municipal Corporation

BY: _____
Christina Turner

Title: City Manager

Date: _____

APPROVED AS TO FORM:

By: _____
Donald Larkin

Title: City Attorney

Date: _____

GRANTOR:

Kevin Kim and Jessica Hwang, Husband
and wife as community property

By: _____
Kevin Kim

Title: Owner

Date: 1/19/20

By: _____
Jessica Hwang

Title: Owner

Date: Jan. 19, 2020.

NO OBLIGATION OTHER THAN SET FORTH HEREIN WILL BE RECOGNIZED

Attachment: Resolution Attachment A-Kim & Hwang Agreement [Revision 2] (2633 : Main Avenue Property Purchase)

Jan 19/2020

KK 1/19/2

GRANTOR: KEVIN KIM AND JESSICA HWANG
PROJECT NAME: MAIN AVENUE BIKE LANES & SIDEWALK PROJECT

APN: 726-21-006 (PORTION OF)

EXHIBIT "A"

LEGAL DESCRIPTION FOR MAIN AVENUE RIGHT OF WAY

All that real property situated in the City of Morgan Hill, State of California, being a portion of Lot 9, as shown upon that map entitled "Old Homestead Tract" filed in Book "O" of Maps, at Page 39 of Santa Clara county recorder's, recorded on June 16, 1913, and more particularly described as follows:

Commencing at a point in the centerline of Main Avenue, distant thereon South 45° 23' West 150.00 feet from the most easterly corner of Lot 9 of the above referenced map, said point also being the most southerly corner of Parcel 2 and common corner to Lands of Pruett as shown on Parcel Map in Book 310 of Maps, Page 34 recorded on October 11, 1972 in Santa Clara County Recorder's office; thence running along said common of Parcel 2 and Lands of Pruett North 44° 37' West 33.00 feet to a point at the right of way line of Main Avenue also being the **Point of Beginning**; thence continuing along the said common line North 44° 37' West 13.00 feet to a point; thence leaving said point drawn parallel with the centerline of Main Avenue; South 45° 23' West 156.47 to the common boundary of the Parcel 1 and Lands of Pruett as shown on the above referenced Parcel Map; thence running along the southwesterly line of said lands of Pruett South 45° 23' East 13.00 to the northerly line of Main Avenue; thence along the northerly Main Avenue right of way line, North 45° 23' East 156.47 to the **Point of Beginning**, containing 2,034.11 square feet of land more or less.

END OF DESCRIPTION.

See Exhibit "B" attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors' Act.

Attachment: Resolution Attachment A-Kim & Hwang Agreement [Revision 2] (2633 : Main Avenue Property Purchase)

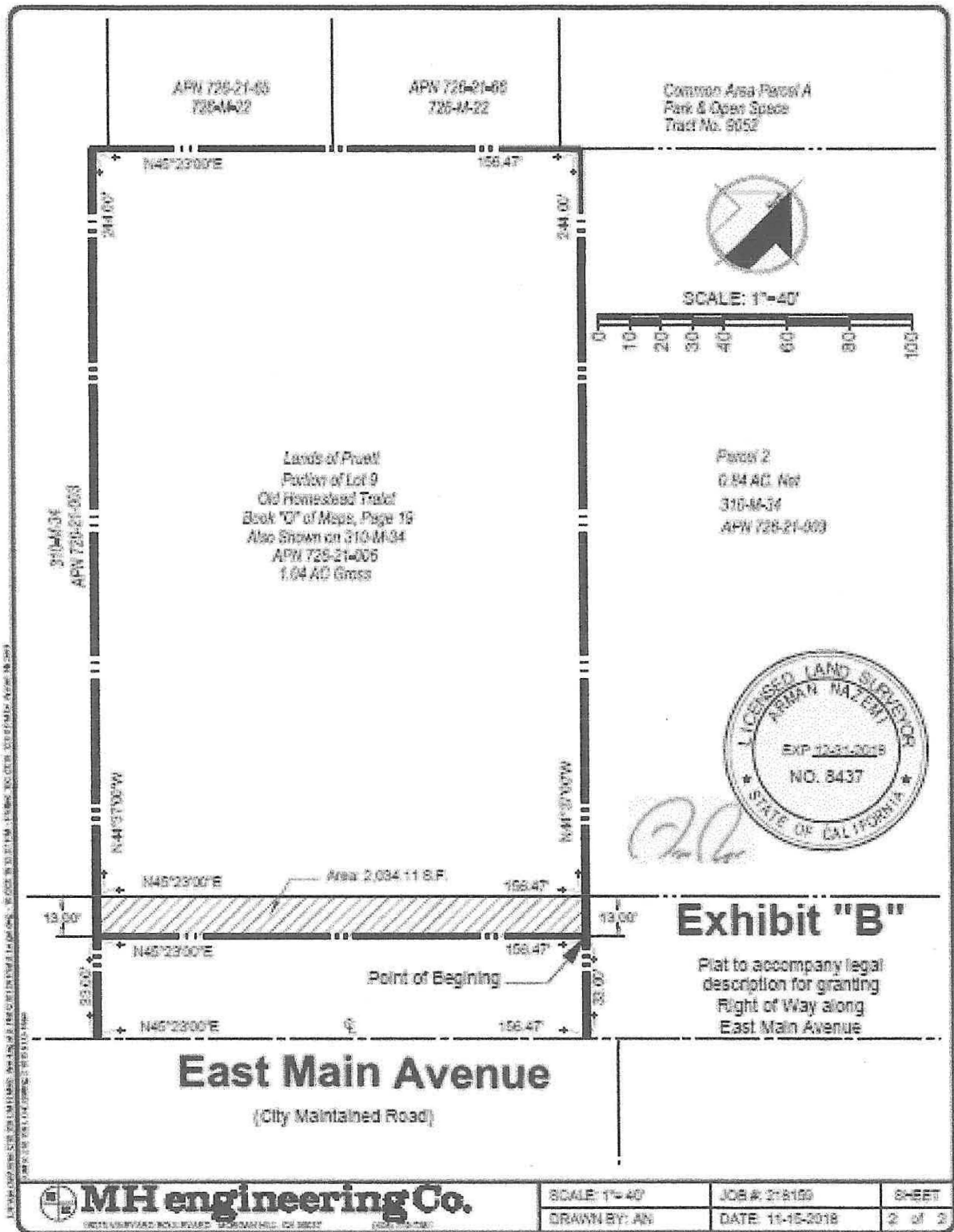
Jh 1/19/2020 Page 8 of 9

KK 1/19/20
Kim & Hwang Property Purchase Agreement - 12.04.19

GRANTOR: KEVIN KIM AND JESSICA HWANG
PROJECT NAME: MAIN AVENUE BIKE LANES & SIDEWALK PROJECT

APN: 726-21-006 (PORTION OF)

EXHIBIT "B"



Attachment: Resolution Attachment A-Kim & Hwang Agreement [Revision 2] (2633 : Main Avenue Property Purchase)

2/19/2020

RECORDING REQUESTED BY:

City of Morgan Hill
 17575 Peak Avenue
 Morgan Hill, CA 95037-4128

WHEN RECORDED MAIL TO:

City of Morgan Hill
 17575 Peak Avenue
 Morgan Hill, CA 95037-4128

Attn: City Clerk

SPACE ABOVE FOR RECORDER'S USE

APN:767-06-034

This document is exempt from the payment of a recording fee pursuant to Government Code § 27383 and §6103, and exempt from Documentary Transfer Tax pursuant to California Revenue and Taxation Code Section 11922 (Governmental Agency acquiring title).

GRANT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

KEVIN KIM AND JESSICA HWANG, HUSBAND AND WIFE AS COMMUNITY PROPERTY (GRANTOR)

HEREBY GRANT(S) TO

CITY OF MORGAN HILL (GRANTEE), a Municipal Corporation

That certain property in the County of Santa Clara, State of California, more particularly described in Exhibits "A" and "B", attached hereto and by this reference incorporated herein.

Dated: January 23, 20 20

Kevin Kim & Jessica Hwang (GRANTOR)

By: [Signature]

Title: Husband

By: [Signature]

Title: Wife

NOTARY ACKNOWLEDGMENT ATTACHED

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

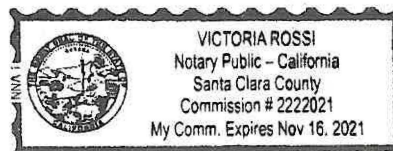
COUNTY OF Santa Clara

On this 23 day of January, 2020, before me, Victoria Rossi, a Notary Public in and for the State of California, personally appeared Kevin Kim proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL the day and year first above written.

Victoria Rossi
NOTARY PUBLIC



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

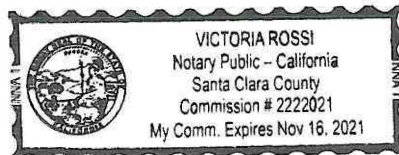
On this 23 day of January, 2020, before me, Victoria Rossi, a Notary Public in and for the State of California, personally appeared Jessica Hwang proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL the day and year first above written.



NOTARY PUBLIC



Attachment: Grant Deed-Kim & Hwang [Revision 2] (2633 : Main Avenue Property Purchase)

EXHIBIT "A"**Legal description for East Main Avenue right of way**

All that real property situated in the City of Morgan Hill, State of California, being a portion of Lot 9, as shown upon that map entitled "Old Homestead Tract" filed in Book "O" of Maps, at Page 39 of Santa Clara county recorder's, recorded on June 16, 1913, and more particularly described as follows:

Commencing at a point in the centerline of East Main Avenue, distant thereon South 45° 23' West 150.00 feet from the most easterly corner of Lot 9 of the above referenced map, said point also being the most southerly corner of Parcel 2 and common corner to Lands of Pruett as shown on Parcel Map in Book 310 of Maps, Page 34 recorded on October 11, 1972 in Santa Clara County Recorder's office; thence running along said common line of Parcel 2 and Lands of Pruett; North 44° 37' West 33.00 feet to a point on the right of way line of East Main Avenue also being the Point of Beginning; thence continuing along the said common line North 44° 37' West 13.00 feet to a point; thence leaving said point drawn parallel with the centerline of East Main Avenue; South 45° 23' West 156.47 to the common boundary of the Parcel 1 and Lands of Pruett as shown on the above referenced Parcel Map; thence running along said common line of said lands of Pruett and Parcel 1; South 45° 23' East 13.00 to the northerly line of East Main Avenue; thence along the said right of way line, North 45° 23' East 156.47 to the Point of Beginning, containing 2,034.11 square feet of land more or less.

END OF DESCRIPTION.

See Exhibit "B" attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors' Act.



Arman Nazem, LS 8437

Date: 11-15-2018



MH engineering Co.

18075 VINEYARD BOULEVARD MORGAN HILL, CA 95037

(408) 778-7381

SCALE: 1"= 40'

JOB #: 218159

SHEET

DRAWN BY: AN

DATE: 11-15-2018

1 of 2

Attachment: Grant Deed-Kim & Hwang [Revision 2] (2633 : Main Avenue Property Purchase)

L:\Projects\Arman\218159 MAIN AVENUE CUIH DAVE GITTLESON\218159 Plat & Legal.dwg - 11/15/2018 3:30 PM - Plotted 11/15/2018 3:31 PM by Arman Nazem
Xref: 218159 LG Existing, 218159 LG-New



MH engineering Co.

18075 VINEYARD BOULEVARD MORGAN HILL, CA 95037

(408) 778-7381

SCALE: 1"= 40'

DRAWN BY: AN

JOB #: 218159

DATE: 11-15-2018

SHEET

2 of 2

Attachment: Grant Deed-Kim & Hwang [Revision 2] (2633 : Main Avenue Property Purchase)

CERTIFICATE OF ACCEPTANCE
(Pursuant to Government Code §27281)

This is to certify that the interest in real property conveyed by the deed or grant dated January 23, 2020 from Kevin Kim and Jessica Hwang to the City of Morgan Hill, a governmental agency, is hereby accepted by order of the City Council by the undersigned officer or agent on behalf of the Council (or Redevelopment Agency) pursuant to authority conferred by Resolution No. 5059 of the Morgan Hill City Council adopted on February 5, 2020, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

CITY OF MORGAN HILL

Christina Turner, City Manager

Recommended for Approval:

Scott Creer, City Engineer

Attachment: Grant Deed-Kim & Hwang [Revision 2] (2633 : Main Avenue Property Purchase)



Meeting Minutes City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, January 15, 2020 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

CALL TO ORDER

Mayor Constantine called the meeting to order at 7:01 pm.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Present	
Yvonne Martinez Beltran	Mayor Pro Tem	Present	
Larry Carr	Council Member	Present	
John McKay	Council Member	Present	
Rene Spring	Council Member	Present	

DECLARATION OF POSTING AGENDA

Deputy City Clerk Michelle Bigelow declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC PRESENTATION- ASSET # 32- PLANNING AND DECISION MAKING

RECOGNITIONS

Gift of Reading Essay Contest Winners

Second-Third Grade Winners

Chase Haugen
Emily Edelsten

Fourth-Fifth Grade Winners

Elisabeth Jo Stevenson
Colby Haugen

Sixth-Eighth Grade Winners

Kyle Strenfel
Nevaeh Gonzalez

High School Winners

Megan Jones
Agnes William

October 5, 2019 Tree Planting Recognitions

Zanker Recycling
Kiwanis Club of Morgan Hill
Recology
Pacific Gas & Electric
Rotary Club of Morgan Hill

CITY COUNCIL REPORTS

Council Member Carr provided a presentation on Valley Transportation Authority's (VTA) New Service Transportation Plan. The New Transit Service Plan uses color coding to differentiate between the service types. The bus stop signs are all new as well including the new color coding for service types. Additionally, there are new service and system maps, new time guides, and some routes have new names. The express routes in South County will be changing but not until April 2020.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She announced that the Annual City Council Goal Setting Workshop will take place on Friday and Saturday, January 24th and 25th in the Council Chamber. She encouraged the community to attend or tune in to the live stream of the workshop. She shared that the Law Foundation of Silicon Valley will be discussing the new statewide renter protections and presenting a general overview of fair housing on January 27th from 6:00 pm to 9:30 pm in the Council Chamber.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin reported on a litigation item that is not covered by our insurance or our liability pool. In October of 2019, the Morgan Hill Hotel Coalition filed a writ of mandate challenging the

City Council's ballot language for the hotel referendum on the March 3, 2020 ballot. Unfortunately, they waited more than a month to act on the petition which is unusual for a Writ Action. When the matter was finally heard, the court dismissed the petition because the Hotel Coalition doesn't actually have standing to bring a petition. The attorney for the Coalition, filed a very similar petition in December with a different plaintiff, one of their individual members, knowing that December 27th was the deadline for the ballot language to be finalized. The hearing on that petition was heard on December 20th. On December 23rd the Superior Court denied the petition under the elections code provisions that require the City Council to prepare a ballot question that states both the purpose and the nature of the measure. On December 24th the Coalition's attorney filed a petition for writ of mandate in the 6th District Court of Appeals and asked for an expedited briefing, which was granted. We were given two days to prepare a responsive briefing. The City, County Registrar of Voters, and the hotel developer all filed briefs on December 30th. On December 31st the court denied that writ leaving the City Council's ballot language in place as adopted by the City Council. We are pleased that we were able to support the City Council's unanimous actions and that the voters will be given the full nature and purpose of the measure they are being asked to vote on.

OTHER REPORTS

Mayor Constantine shared that this past Saturday he attended a ribbon cutting ceremony at Galvan Park for the Inclusive Exercise Equipment project. We were able to do this project because we received the "Meet me in the Park" Grant awarded by the Walt Disney Company and the National Parks and Recreation Association. The grant was for \$30,000 and the City matched that amount for a total for \$60,000. He was joined at the ribbon cutting by Council Member John McKay and former Mayor Steve Tate.

He announced that Yvonne Martinez Beltran is the new Mayor Pro Tem and thanked Council Member Rene Spring for his service as Mayor Pro Tem.

Mayor Pro Tem Martinez Beltran shared that she attended a play called Historias de Mi Madre at Gavilan College and learned about our own local community leaders including Laura Escoto, Lupe Arellano, and Lisa DaSilva. She also attended the following events: the Morgan Hill Community Foundation's 15th annual Philanthropy Event, the Latinos in Action Community Group in San Jose, the Wreaths Across America event, the San Jose Veterans Day Parade, the LatinX Coalition's posada, she recognized and thanked all of the businesses in the community that contributed to that event, the Women's Leadership 2020 Meeting, and this last weekend she attended the League of California Cities Latino Caucus meeting in San Diego.

PUBLIC COMMENT

PUBLIC COMMENT SUPPLEMENT 1

The public comment opened at 7:40 pm. The following people were called to speak:

Joe Baranoski

Susie Jimenez

Miguel Jimenez

Brian Faircloth

Dave Wendt

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Martinez Beltran, Mayor Pro Tem
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

CONSENT CALENDAR

Council Member Carr announced his conflict of interest on item 4 and noted an abstention on that item.

MOTION:

Approving consent calendar items 1 through 3, 5, 6, and 8 through 11.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rene Spring, Council Member
SECONDER:	Yvonne Martinez Beltran, Mayor Pro Tem
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

1. RECEIVE CITY CORRESPONDENCE REGARDING UPPER LLAGAS CREEK WATERSHED FLOOD PREVENTION PROJECT

Recommendation:

Receive correspondence sent to the Valley Water Board regarding the Upper Llagas Creek Watershed Flood Prevention Project.

2. APPOINT EMERGENCY STANDBY COUNCIL

Recommendation:

Appoint former City Council Members Steve Tate, Caitlin Jachimowicz, Marilyn Librers, Marby Lee, Greg Sellers, and Mark Grzan as Emergency Standby Council Members to be called upon as needed in the event of an emergency.

3. ACCEPT OCTOBER 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

4. ACCEPT SUBDIVISION PUBLIC IMPROVEMENTS – DEPOT STATION – TRACT NO. 10346

Recommendation:

1. Accept the subdivision public improvements for Depot Station – Tract No. 10346;
2. Authorize the City Engineer to sign a Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

5. ADOPT ORDINANCE 2315, NEW SERIES AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING CHAPTER 17.28 ("LAND DEDICATIONS AND RESERVATIONS") IN

**TITLE 17 (“SUBDIVISIONS”) OF THE MORGAN HILL MUNICIPAL CODE TO UPDATE
PARK DEDICATION REQUIREMENTS**

Recommendation:

Waive the reading, adopt Ordinance No. 2315, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

6. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH NELSON\NYGAARD CONSULTING ASSOCIATES, INC. TO ASSIST WITH CITY’S IMPLEMENTATION OF STATE SENATE BILL 743 (TRANSITION FROM LEVEL-OF-SERVICE (LOS) TO VEHICLE-MILES-TRAVELED (VMT) METRIC FOR TRANSPORTATION ANALYSIS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA))

Recommendation:

Approve and authorize the City Manager to execute and administer the professional services agreement with Nelson\Nygaard Consulting Associates, Inc. for assistance with City's implementation of State Senate Bill 743 (SB 743) for a total not-to-exceed amount of \$110,000.

7. ITEM PULLED FOR DISCUSSION

8. APPROVE ACQUISITION OF POPPY JASPER ART

Recommendation:

1. Approve acceptance of future Poppy Jasper Art; and
2. Authorize the City Manager to execute and administer any agreements required for the acquisition.

9. APPROVE THE NOVEMBER 20, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

10. APPROVE THE DECEMBER 4, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

11. APPROVE THE DECEMBER 18, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEM PULLED FOR DISCUSSION

7. APPROVE DEVELOPMENT OF A MINIATURE GOLF COURSE ADJACENT TO THE AQUATICS CENTER

Recommendation:

Adopt resolution amending the adopted Fiscal Year (FY) 2019-20 budget to appropriate \$80,000 from the Recreation Center Impact Fund (360) for the purchase and development of a miniature golf course at the

Minutes Acceptance: Minutes of Jan 15, 2020 7:00 PM (CONSENT CALENDAR)

Aquatics Center.

Public Services Director Chris Ghione provided a report and answered questions.

The public comment opened at 8:09 pm.

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

MOTION:

Approving the recommended actions.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Martinez Beltran, Mayor Pro Tem
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

The meeting recessed at 8:09 pm.

The meeting reconvened at 8:16 pm.

OTHER BUSINESS

12. RECEIVE PUBLIC COMMENT REGARDING JACKSON MEADOWS #6 AND MILL CREEK SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

Provide opportunity for the public to be heard on the matter of the planned increase in the maximum assessment rate in the Jackson Meadows #6 and Mill Creek Subarea.

Public Services Director Chris Ghione provided a report and answered questions.

The public comment opened at 8:19 pm. The following people were called to speak:

John Lyle

Jennifer Holmstrom

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

RESULT:	NO ACTION TAKEN
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13. CONSIDER RESOLUTION IN SUPPORT OF PRESERVATION OF SARGENT RANCH/JURISTAC AS OPEN SPACE

Recommendation:

Consider adoption of resolution in support of preservation of Sargent Ranch/Juristac as open space.

City Manager Christina Turner provided a report and answered questions.

The public comment opened at 8:33 pm. The following people were called to speak:

Swanee Edwards

Kathy Chavez Napoli

Teresa Yolotl

Carolyn Straab

Kathy Sullivan

Tedde Simon

Valentin Lopez

Shannon Rivers

Julie Hutcheson

Lou Chiaramonte Jr.

Sharat G. Lin
 Catherine Luna
 Sousan Manteghi Safakish
 Alexii Sigona
 Alice Kaufman
 Justin Wang

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

MOTION:

Adopting resolution in support of the preservation of Sargent Ranch/Juristac as open space changing the language in the resolve paragraph (last paragraph) to read as follows: BE IT FURTHER RESOLVED; that the City Council of the City of Morgan Hill urges the County of Santa Clara to preserve the entirety of the Sargent Ranch lands as open space.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rene Spring, Council Member
SECONDER:	Yvonne Martinez Beltran, Mayor Pro Tem
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

The meeting recessed at 9:42 pm.

The meeting reconvened at 9:56 pm.

14. RECEIVE REPORT AND ADOPT RESOLUTION PROMOTING OUTREACH ACTIVITIES AND PARTICIPATION IN THE CENSUS 2020 UPDATE

Recommendation:

1. Receive Report; and
2. Adopt resolution promoting outreach activities and participation in the 2020 decennial census.

Amy Whelan provided a report and presentation.

The public comment opened at 10:17 pm.

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

MOTION:

Adopting resolution promoting outreach activities and participation in the 2020 decennial census.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rene Spring, Council Member
SECONDER:	Yvonne Martinez Beltran, Mayor Pro Tem
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session item.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment opened at 10:18 pm.

There being no requests to speak, the public comment was closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 10:19 pm.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Initiation of litigation under Government Code Section 54956.9(d)(4)

One Case

RECONVENE

The meeting reconvened at 10:27 pm.

City Attorney Donald Larkin announced that the Council authorized the City Attorney to join the City of San Francisco as an amicus in US v Sineneng-Smith (US Supreme Court Case No. 19-67).

ADJOURNMENT

There being no further business, the meeting adjourned at 10:28 pm.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk



Meeting Minutes City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Friday, January 24, 2020 9:00 am

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CITY COUNCIL ANNUAL GOAL SETTING WORKSHOP

A Special Meeting of the City Council is called Friday, January 24, 2020 at 9:00 a.m. for the purpose of conducting the Annual Goal Setting Workshop and Saturday, January 25, 2020 at 9:00 a.m. for the continuation of the Annual Goal Setting Workshop.

CALL TO ORDER

Mayor Constantine called the Annual Goal Setting Workshop to order at 9:01 a.m.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Present	
Yvonne Martinez Beltran	Mayor Pro Tem	Present	
Larry Carr	Council Member	Present	
John McKay	Council Member	Present	
Rene Spring	Council Member	Late	

DECLARATION OF POSTING OF AGENDA

Deputy City Clerk Michelle Bigelow declared the posting of the agenda.

PUBLIC COMMENT

Mayor Constantine opened the public comment for items not on the agenda at 9:03 a.m.

Hearing no requests to speak, the public comment was closed.

ADOPTION OF AGENDA

MOTION

MOTION:

Adopting the agenda as posted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John McKay, Council Member
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay
ABSENT:	Spring

GOAL SETTING WORKSHOP

1. CITY COUNCIL GOAL SETTING WORKSHOP

Recommendation:

1. Review 2019 Accomplishments;
2. Review and discuss City Council Policies, Procedures, and Protocols;
3. Review and discuss 2019 - 2020 Sustainable Morgan Hill, including Vision, Ongoing Priorities, Strategic Priorities, and Staff Work Plan;
4. Review and discuss Fiscal Sustainability - Budget and Economic Development; Update from Engage Morgan Hill Community Advisory Group; and
5. Other topics, time permitting; Agricultural Preservation and Housing.

City Manager Christina Turner and facilitator Shawn Spano led the Goal Setting workshop.

Mayor Constantine opened the public comment at 10:34 a.m. The following people were called to speak:

Brian Sullivan

Sally Casas

Anonymous

Ed Tewes

Hearing no further requests to speak, the public comment was closed.

The meeting recessed at 10:40 a.m.

The meeting reconvened at 11:00 a.m.

The meeting recessed for lunch at 12:24 p.m.

The meeting reconvened at 12:55 p.m.

Mayor Constantine opened the public comment at 12:55 p.m.

Hearing no requests to speak, the public comment was closed.

Mayor Constantine opened the public comment at 1:45 p.m.

Brian Sullivan was called to speak.

Hearing no further requests to speak, the public comment was closed.

The meeting recessed at 1:48 p.m.

The meeting reconvened at 2:00 p.m.

Mayor Constantine opened the public comment at 2:00 p.m. The following people were called to speak:
Sally Casas
Yvonne Randolph
Hearing no further requests to speak, the public comment was closed.

Mayor Constantine opened the public comment at 4:30 p.m.
Yvonne Randolph was called to speak.
Hearing no further requests to speak, the public comment was closed.

The meeting recessed at 4:37 p.m.
The meeting reconvened at 4:44 p.m.

Mayor Constantine opened the public comment at 5:08 p.m.
Hearing no requests to speak, the public comment was closed.

ADJOURNMENT TO SATURDAY, JANUARY 25, 2020 AT 9:00 AM

The Workshop adjourned at 5:08 p.m. to Saturday, January 25, 2020 at 9:00 am.



Meeting Minutes City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Saturday, January 25, 2020 9:00 am

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CITY COUNCIL ANNUAL GOAL SETTING WORKSHOP

A Special Meeting of the City Council is called Friday, January 24, 2019 at 9:00 a.m. for the purpose of conducting the Annual Goal Setting Workshop and Saturday, January 25, 2019 for the continuation of the Annual Goal Setting Workshop.

CALL TO ORDER

Mayor Constantine called the meeting to order at 9:00 a.m.

ROLL CALL ATTENDANCE

Deputy City Clerk Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Present	
Yvonne Martinez Beltran	Mayor Pro Tem	Present	
Larry Carr	Council Member	Present	
John McKay	Council Member	Present	
Rene Spring	Council Member	Present	

SATURDAY, JANUARY 25, 2019 9:00 A.M.

GOAL SETTING WORKSHOP

City Manager Christina Turner and facilitator Shawn Spano facilitated the continuation of the workshop.

Mayor Constantine opened the public comment at 9:00 a.m.

Charles Weston was called to speak.

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

Mayor Constantine opened the public comment at 10:20 a.m. The following people were called to speak:

Charles Weston

Sally Casas

Nick Gaich

Kathy Sullivan

Brian Sullivan

Yvonne Randolph

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

The meeting recessed at 10:33 a.m.

The meeting reconvened at 10:41 a.m.

Mayor Constantine opened the public comment at 11:32 a.m.

There being no requests to speak, the public comment was closed.

The meeting recessed for lunch at 12:10 p.m.

The meeting reconvened at 12:45 p.m.

Mayor Constantine opened the public comment at 2:16 p.m. The following people were called to speak:

Brian Sullivan

Nick Gaich

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

The meeting recessed at 3:00 p.m.

The meeting reconvened at 3:12 p.m.

The Community Advisory Group, represented by Nick Gaich and Rick Kent, provided a presentation and update on the groups efforts and recommendations.

Mayor Constantine opened the public comment at 4:30 p.m. The following people were called to speak:

Yvonne Randolph

Rocke Garcia

Sally Casas

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

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the workshop at 4:45 p.m.



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2020

PREPARED BY: Anthony Eulo, Program Administrator
APPROVED BY: City Manager

ADOPT RESOLUTION AUTHORIZING THE COUNTY TO COMMENCE 2020 HAZARDOUS VEGETATION ABATEMENT PROGRAM

RECOMMENDATION(S)

1. Open/Close public hearing;
2. Adopt resolution A authorizing Santa Clara County to commence hazardous vegetation abatement activities on the attached list; and
3. Adopt resolution B authorizing Santa Clara County to commence hazardous vegetation abatement activities for the remaining parcel.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Protecting the Environment

REPORT NARRATIVE:

On December 4, 2019, the City Council adopted Resolution 19-061 declaring hazardous vegetation growing in the City of Morgan Hill to be a public nuisance. The Resolution further established February 5, 2020 as the date for a public hearing on properties proposed for inclusion in the 2020 Hazardous Vegetation Program (Program). Program notices (Attachment No. 4) have been mailed to property owners in Morgan Hill whose properties have been identified as having, or potentially having, a problem with hazardous vegetation. In addition, notices of this public hearing have been published in the newspaper per Government Code Section 39566. The purpose of this hearing is to allow property owners to object to having their property in the 2020 Hazardous Vegetation Management Program, have the City Council consider these objections and or provide general public comment regarding the program. The list of properties in the Program has been posted at City Hall for over ten days prior to this public hearing.

The City controls the growth of hazardous vegetation under the authority set out in Chapter 8.20 of the Morgan Hill Municipal Code and in Government Code Sections 39560 and following. The City has a contract with the Santa Clara County Consumer and Environmental Protection Agency (Agency) which provides for abatement of the property if the property owner does not maintain the property as required. If the work is completed by the Agency's contractor, costs for the work are assessed to the property owner. Properties on the Hazardous Vegetation Program List have been inspected by Agency staff and have been found to have unsafe vegetation during the growing season. Once a property is added to the Program, it remains on the program for a

minimum of three years.

COMMUNITY ENGAGEMENT: Empower

The hazardous vegetation abatement program relies on a full range of community engagement approaches. Much of it begins when the County Program or City Fire Department informs a property owner that a hazardous situation has been observed on their property. As noted in the attached packet mailed to the property owners, each property owner is given several months during which he or she may consult and work together with Program staff to understand the situation and the needed remedies. Ultimately, each property owner is invited and empowered to remedy the situation themselves in order to minimize their program charges while maintaining public safety. In addition, many of the properties on the original list are placed on the list as a result of a complaint from a community member about a hazardous situation.

ALTERNATIVE ACTIONS:

The Council can choose to adopt the resolutions as presented or to exclude any of the properties on the list. In addition, the Council can choose to delay action on these resolutions. Delaying action could ultimately provide the affected property owners with less notice and time to plan for abating their hazardous vegetation.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The Council adopted the annual resolution in December. This hearing and the abatement schedule are consistent with the actions taken by the Council for over a decade.

FISCAL AND RESOURCE IMPACT:

The Hazardous Vegetation Program is user fee supported. The per-lot assessment includes costs for doing the weed and brush control work plus overhead County costs to administer the program. The City does not retain any revenues for this activity. In addition to charges for failed inspections and actual abatement work, an annual inspection fee of \$101 is charged to all property owners in the Program. These fees are communicated to the property owners when they are annually notified about the Program. The actual total charge per parcel will vary based on whether or not the property owner abated their own weeds and whether or not they did so before the County's inspection, after the May 1 deadline. The County returns the actual proposed assessment list to the City in the summer for the assessment of program charges. Per the approach adopted by the Council last year, the program charges are discussed at a local prehearing with City staff and then imposed via an administrative hearing held by the County's Hearing Officer.

<u>Item</u>	<u>Current Fee</u>	<u>County</u>
Annual Inspection and Administration	\$101 annually	
Failed Inspection (only charged if property fails inspection)	\$582	

Abatement Administration (only charged if County abates weeds) \$984

As the County has found that its revenues in the past were not always adequate to support the program, the Board of Supervisors has adopted a fee schedule designed to achieve full cost recovery and has shifted ultimate fiscal responsibility to participating jurisdictions. If the County determines that program-wide revenues in a given year were insufficient to cover program-wide costs, the jurisdictions participating in the Program will be billed for their prorata share of the shortfall.

Administering this Program is an activity in the Community Services Department work program and budget.

CEQA (California Environmental Quality Act):

Categorical Exemption

These activities are categorically exempt from environmental review under the California Environmental Quality Act pursuant to California Code of Regulations, Title 21, Section 15304(i) (Minor Alterations to Land - Fuel Management Activities).

LINKS/ATTACHMENTS:

1. Resolution A Commencement
2. Resolution A Property List
3. Resolution B Commencement
4. 2020 Mailing Packet
5. Conflict

A

RESOLUTION NO. XX-XXX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL INSTRUCTING THE SANTA CLARA COUNTY CONSUMER AND ENVIRONMENTAL PROTECTION AGENCY TO ABATE NUISANCES ARISING OUT OF HAZARDOUS VEGETATION GROWING UPON LOTS OR IN FRONT OF PROPERTY IN THE CITY OF MORGAN HILL AS REQUIRED BY TITLE 8, CHAPTER 8.20 OF THE MORGAN HILL MUNICIPAL CODE**

WHEREAS, pursuant to Title 8, Chapter 8.20 of the Morgan Hill Municipal Code, the City Council hereto adopted Resolution No. 19-061 declaring hazardous vegetation growing in the City of Morgan Hill to constitute a public nuisance; and

WHEREAS, a Public Hearing was held pursuant to Resolution No. 19-061 and Chapter 8.20 of the Morgan Hill Municipal Code in that time and manner required by law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morgan Hill authorizes as follows:

1. That the Santa Clara County Consumer and Environmental Protection Agency (Agency) is hereby ordered to abate the nuisance or cause the same to be abated by having the vegetation destroyed by cutting, disking or any other method as may be determined by the Agency for the properties on the attached list excluding the properties struck out.
2. That any property owner shall have the right to destroy or remove at his or her expense prior to removal of said vegetation by the Agency.
3. That the Agency shall keep an account of the cost of removing said vegetation, document such account in a report and assessment list, and file the same with the City. Such report shall refer to each separate lot or parcel of land, together with the expense of removal of hazardous vegetation therefrom.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 5th day of February 2020 by the following vote:

AYES: **COUNCIL MEMBERS:**

NOES: **COUNCIL MEMBERS:**

ABSTAIN: **COUNCIL MEMBERS:**

ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

IRMA TORREZ, City Clerk

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-XXX, adopted by the City Council at the meeting held on the 5th day of February 2020.

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

DATE: _____

Irma Torrez, CITY CLERK

Attachment: Resolution A Commencement [Revision 1] (2634 : 2020 Hazardous Vegetation Abatement Commencement)

**2020 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MORGAN HILL**

Situs	APN	CITY/STATE		
0	DIANA AV 726-02-007	TSAI, YOUNG H AND SO M ET AL	3 FERRAND	NEWPORT COAST CA 92657
	NO SITUS 726-02-016	HUNG, WEN JUNG	179 CUESTA DE LOS GATOS	LOS GATOS CA 95032
17364	WALNUT DR 726-07-021	DELUKE COMPANY LTD	535 ARRASTADERO RD	PALO ALTO CO 94306
	NO SITUS 726-07-023	SILICONSAGE BUILDERS LLC	560 MATHILDA AV S	SUNNYVALE CA 94086
17374	WALNUT DR 726-07-089	SILICONSAGE BUILDERS LLC	560 MATHILDA AV S	SUNNYVALE CA 94086
17374	WALNUT DR 726-07-090	SILICONSAGE BUILDERS LLC	560 MATHILDA AVE	SUNNYVALE CA 94086
17374	WALNUT DR 726-07-091	SILICONSAGE BUILDERS LLC	560 MATHILDA AVE	SUNNYVALE CA 94086
17374	WALNUT DR 726-07-092	SILICONSAGE BUILDERS LLC	560 MATHILDA AVE	SUNNYVALE CA 94086
17374	WALNUT DR 726-07-093	SILICONSAGE BUILDERS LLC	560 MATHILDA AVE	SUNNYVALE CA 94086
17374	WALNUT DR 726-07-094	SILICONSAGE BUILDERS LLC	560 MATHILDA AVE	SUNNYVALE CA 94086
	... WALNUT 726-07-095	SILICONSAGE BUILDERS LLC	560 MATHILDA AVS	SUNNYVALE CA 94086
17374	WALNUT DR 726-07-096	SILICONSAGE BUILDERS LLC	560 MATHILDA AVE	SUNNYVALE CA 94086
17374	WALNUT DR 726-07-097	SILICONSAGE BUILDERS LLC	560 MATHILDA AVE	SUNNYVALE CA 94086
17374	WALNUT DR 726-07-098	SILICONSAGE BUILDERS LLC	560 MATHILDA AVE	SUNNYVALE CA 94086
0	DIANA AV 726-09-002	GROSSWEILER, DONALD TRUSTEE &	3414 ROYAL MEADOW LN	SAN JOSE CA 95135
761	DAKOTA DR 726-09-024	DUNNE, MICHAEL F AND JONNA	761 DAKOTA DR	MORGAN HILL CA 95037-0000
570	CAPRICE CT 726-10-052	PULSIPHER, BYRON K AND RHONDA	570 CAPRICE CT	MORGAN HILL CA 95037-3721
18110	MONTEREY RD 726-25-006	MONTEREY MORGAN HILL LLC	1002 WALNUT ST STE 300	BOULDER CO 80302
	NO SITUS 726-25-026	TRAN, MINH VAN	4250 MONTEREY RD	SAN JOSE CA 95111-3625
325	DIGITAL DR 726-25-041	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
315	DIGITAL DR 726-25-065	TERRASAT COMMUNICATIONS INC	315 DIGITAL DR	MORGAN HILL CA 95037-0000
	NO SITUS 726-31-038	CHANA, PARAMJIT AND	865 JARVIS DR	MORGAN HILL CA 95037-0000
	COCHRANE RD 726-32-021	EVERGREEN-BUTTERFIELD &	200 NORTH MARYLAND AV	GLENDALE CA 91206

**2020 WEED ABATEMENT PROGRAM
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Situs	APN		CITY/STATE	
735	COCHRANE	RD 726-33-029	MADRONE VILLAGE SHOPPING	1960 THE ALAMEDA STE 20 SAN JOSE CA 95126
875	LIGHTPOST	WY 726-35-015	TBI-MISSION WEST IILLC	1960 THE ALAMEDA STE 20 SAN JOSE CA 95126
18640	NO SITUS	726-35-021	TBI-MISSION WEST IILLC	1960 THE ALAMEDA STE 20 SAN JOSE CA 95126
19095	MADRONE	PY 726-35-028	NORTHERN	0 ONE FRONT ST STE 500 SAN FRANCISCO CA 94111
19095	ROSE	AV 726-36-005	HU, WEIBIAO TRUSTEE & ET AL	0 P.O.BOX 1594 SAN MARTIN CA 95046
0	ROSE	AV 726-36-007	MAGINCALDA, LEROY J ET AL	4475 WOODWARD RDE MANTECA CA 95337
0	GINGER	WY 726-36-057	WALTON, GARY A AND JEAN M	0 PO BOX 1265 MORGAN HILL CA 95038-1265
25	NO SITUS	726-36-078	1493 INVESTORS LLC	15700 WINCHESTER BL LOS GATOS CA 95030
2275 B	PEEBLES	AV 726-41-065	PEEBLES SQUARE LLC	1630 OAKLAND RD STE 215 SAN JOSE CA 95131
	DUNNE	AV 728-02-003	SERENE HILLS LLC	11541 SEVEN SPRINGS DR CUPERTINO CA 95014
	NO SITUS	728-11-026	HANALEI LAND CO LLC	720 SAN MARCOS CT MORGAN HILL CA 95037-5224
	NO SITUS	728-11-045	MISSION PACIFIC HOMES LLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS	728-11-046	MISSION PACIFIC HOMES LLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS	728-11-047	MISSION PACIFIC HOMES LLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS	728-11-048	MISSION PACIFIC HOMES LLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS	728-11-049	HANALEI LAND CO LLC	720 SAN MARCOS CT MORGAN HILL CA 95037-5224
1370	NO SITUS	728-11-050	MISSION PACIFIC HOMES LLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
0	JASMINE	WY 728-15-041	LANGDON JOSEPH A	1370 JASMINE WAY MORGAN HILL CA 95037-3334
1105	HALF	RD 728-30-002	LLAGAS LLC	600 BROKAW RD E SAN JOSE CA 95112-1006
1485	HALF	RD 728-30-003	LLAGAS LLC	1105 HALF RD MORGAN HILL CA 95037
1485	COCHRANE	RD 728-36-012	M V S COMPANY	0 P.O. BOX 2067 SARATOGA CA 95070
1485	COCHRANE	RD 728-36-017	M V S COMPANY	0 P.O. BOX 2067 SARATOGA CA 95070
1485	THOMAS	RD 729-01-009	LILING TRUSTEE	2780 THOMAS GRADE RD MORGAN HILL CA 95037-6705

**2020 WEED ABATEMENT PROGRAM
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CITY OF MORGAN HILL**

Situs	APN		CITY/STATE	
2990	THOMAS	729-02-004	DE LURGIO, LOUIS J AND DONNA M	2990 THOMAS GRADE MORGAN HILL CA 95037-6714
3105	OAK LEAF	CT 729-04-014	LYON JOHN W AND BONITA E	3105 OAK LEAF CT MORGAN HILL CA 95037-6702
3115	OAK LEAF	CT 729-04-015	CAPUTO-SEYBOLD ROSANNE M AND EMERTON, MARY	3115 OAK LEAF CT MORGAN HILL CA 95037-6702
16980	OAK LEAF	DR 729-04-051	KELSEY, REBECCA L AND LEONARD J	16980 OAK LEAF DR MORGAN HILL CA 95037-6624
17180	OAK LEAF	DR 729-05-004	BREHL BLAKE R	17180 OAK LEAF DR MORGAN HILL CA 95037-6621
2935	BENT OAK	LN 729-07-009		2935 BENT OAK LN MORGAN HILL CA 95037-6706
3305	OAKWOOD	CT 729-15-003	GORSKI, JOHN W AND BARBARA-	3305 OAKWOOD CT MORGAN HILL CA 95037-6924
3320	OAKWOOD	CT 729-15-019	NUGENT, KASEY L AND THIELE,	3320 OAKWOOD CT MORGAN HILL CA 95037-6925
0	OAKWOOD	CT 729-16-025	VINCENT, MICHELE J AND DAVID P	16360 OAKWOOD LN MORGAN HILL CA 95037-6934
3590	OAKWOOD	CT 729-17-001	WOLLASTON DEBRA L	3590 OAKWOOD CT MORGAN HILL CA 95037-6921
16275	OAK CANYON	DR 729-17-004	VASQUEZ JORGE AND LOPEZ	16375 OAK CANYON DR MORGAN HILL CA 95037-6813
16280	OAK CANYON	DR 729-17-012	SHERMAN HOUSE ASSOCS LP	15600 OAKRIDGE CT MORGAN HILL CA 95037
3795	OAK CANYON	DR 729-17-015	SHERMAN HOUSE ASSOCS	15600 OAKRIDGE CT MORGAN HILL CA 95037
16335	OAK CANYON	LN 729-17-021	RANGOLE, TIFFANY M ET AL	3795 OAK CANYON LN MORGAN HILL CA 95037-6814
16325	JACKSON	DR 729-18-015	MARIN, THERESA J TRUSTEE	1005 SUMMERVIEW DR SAN JOSE CA 95132-2951
16460	JACKSON	DR 729-18-031	KONIGSBERG, ROBERT J TRUSTEE & HALVORSEN, JAN T TRUSTEE	418 SAN BENITO AV LOS GATOS CA 95030-5305
16645	JACKSON	Dr 729-19-024	KHAN MOHAMED AND FARHAT	16460 JACKSON OAKS DR MORGAN HILL CA 95037-6902
3490	OAK HILL	CT 729-20-003	JACKSON OAKS ASSN	16645 JACKSON OAKS DR MORGAN HILL CA 95037-6930
15905	OAKRIDGE	Rd 729-22-028	SHAH JAY AND SUNDARAM	0 PO BOX 518 MORGAN HILL CA 95038-0518
15860	JACKSON	DR 729-24-018	SAIGAL, RAKESH K AND BHATIA,	15905 OAKRIDGE RD MORGAN HILL CA 95037-6827
	RIDGEVIEW	CT 729-24-025	MARRIOTTI TRUST	37552 CHAUNTRY CM FREMONT CA 94536
				3525 CORTEZ ST E WEST COVINA CA 91791

**2020 WEED ABATEMENT PROGRAM
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CITY OF MORGAN HILL**

Situs	APN	CITY/STATE
3745	RIDGEVIEW CT 729-24-026	HUANG, JENNY F ET AL SAN JOSE CA 95120
0	DUNNE AV 729-26-002	UNGER, EUGENE C AND ROSE A LOS GATOS CA 95030-6313
3210	COPPER HILL DR 729-30-001	RAISSI SASSAN MORGAN HILL CA 95037-6502
17205	QUAIL LN 729-33-026	POWELL, ROBERT J AND JENNIFER S MORGAN HILL CA 95037-6413
17205	QUAIL CT 729-33-029	GUERRERO, JUAN C AND SHELLY D MORGAN HILL CA 95037-6419
17245	QUAIL CT 729-35-005	CASTRO, IRENE ET AL SAN JOSE CA 95148-3411
17246	QUAIL CT 729-35-007	WINSTEAD, DONALD D ET AL PHOENIX AZ 85083-5885
3110	QUAIL LN 729-35-014	AOCHI, ROBERT AND AMY O MORGAN HILL CA 95037-6414
3425	LAVA ROCK CT 729-35-027	CHIPMAN, DAVID H AND JANE C MORGAN HILL CA 95037-6411
17451	HOLIDAY DR 729-38-028	SMITH, WARREN J AND DIANAL MORGAN HILL CA 95037-6512
17520	HOLIDAY DR 729-39-035	WUNDERLICH, JOHN AND BURNS, MORGAN HILL CA 95037-6303
17495	BLUE JAY DR 729-41-011	STETSON, ERIC H AND VIRGINIA D MORGAN HILL CA 95037-6428
17474	LAKE VIEW DR 729-41-017	FRANCIS TERESA C AND OLIVER GLENDALE CA 91202-1654
17770	HOLIDAY DR 729-44-025	JARVIS, SHARON F TRUSTEE ESTERO FL 33928
17810	HOLIDAY DR 729-44-027	BINDER, ANDREW J AND DENICE D MORGAN HILL CA 95037-6316
17820	HOLIDAY DR 729-44-028	MCBRIDE, M THERESE TRUSTEE CAMPBELL CA 95008-4914
2085	ROLLING DR 764-02-005	MCMANIS, DEAN AND KELLY, MORGAN HILL CA 95037-9437
2220	ROLLING DR 764-03-002	HARTOGS, DIRK H AND KEILERS, MORGAN HILL CA 95037-9438
2180	ROLLING DR 764-03-004	HEISER, CHRISTOPHER J AND MORGAN HILL CA 95037-9438
0	BLACK OAK CT 764-03-017	TULLY, SUSAN S AND TULLY 2008 SAN JOSE CA 95139-1158
2105	ROCKY RIDGE RD 764-03-024	MAYELIAN, HARRY AND MABEL SANTA CLARITA CA 91350-1900
17915	WOODLAND AV 764-03-034	AVELAR, ANTONIO M AND MIMI M SANTA CLARA CA 95050
5	WOODLAND CT 764-03-040	CARDINAL, MARC ANDRE AND MORGAN HILL CA 95037-9444

**2020 WEED ABATEMENT PROGRAM
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CITY OF MORGAN HILL**

Situs	APN	CITY/STATE
17610	WOODLAND AV 764-03-043	BELLI, KAREN M MORGAN HILL CA 95037-9140
280	TILTON AV 764-09-004	COUNTY PROPERTY EXCHANGE INC MORGAN HILL CA 95037-0000
0	764-10-003	UNION PACIFIC CORPORATION ROSEVILLE CA 95747
18545	MONTEREY RD 764-10-013	TRINH, OANH OANH NGUYEN ET AL SAN JOSE CA 95132
18565	MONTEREY RD 764-10-015	TRINH, OANH OANH NGUYEN ET AL SAN JOSE CA 95132
140	CHRISTINE DR 764-20-089	VON ALMEN, SONJA C AND THOMAS MORGAN HILL CA 95037-0000
150	CHRISTINE DR 764-20-091	BAIO, JON M MORGAN HILL CA 95037-0000
0	HALE AV 764-24-001	ROBINSON, CLAUDE J AND GLORIA M LAS VEGAS NV 89173
18755	MONTEREY RD 764-24-061	APPLETREE INVESTMENT LLC SAN JOSE CA 95127
0	VIA LOMA 764-27-003	CHILDS, JOHN WILLIAM AND CAMPBELL CA 95008-3601
363	VIA LOMA 764-27-004	CHILDS, JOHN WILLIAM AND CAMPBELL CA 95008-3601
18455	SHADOWBROO WY 764-27-009	AGALJOTIS, DAVID D AND CAROL K MORGAN HILL CA 95037-0000
18560	MURPHY CT 764-27-028	DISANTO MICHAEL A AND DASALLA- MORGAN HILL CA 95037
650	SPARHAWK DR 764-31-036	RAUSCHNOT MICHAEL J AND JULIA F MORGAN HILL CA 95038
640	SPARHAWK DR 764-31-037	ENDERSON EDWARD F TRUSTEE MORGAN HILL CA 95038
17996	HILLWOOD LN 764-32-044	CRONK, JON E AND DIANE D MORGAN HILL CA 95037-3529
18200	CHRISTEPH DR 764-32-064	TANSY, MICHAEL K AND SANTA BARBARA CA 93103
18280	SHADOWBROO WY 764-41-002	SERAFINI CHARLES P AND MAUREEN HOLLISTER CA 95023
18300	SHADOWBROO WY 764-41-004	DIMAS RENE A TRUSTEE MORGAN HILL CA 95038-1604
18320	SHADOWBROO WY 764-41-006	BRIGGS WILLIAM G TRUSTEE & ET MORGAN HILL CA 95037-9656
18305	SHADOWBROO WY 764-41-013	VAN WINGERDEN SHARON TRUSTEE MORGAN HILL CA 95037-3021
18285	SHADOWBROO WY 764-41-015	SKEEN JOHN A TRUSTEE & ET AL MORGAN HILL CA 95037
75	SHADOWBROO WY 764-41-016	CHERRY LANE LLC SAN JOSE CA 95125-3202

**2020 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MORGAN HILL**

Situs	APN		CITY/STATE	
18655	GLEN AYRE	DR 764-43-009	WILLIAMS, NORMAN J AND KARLA	18655 GLEN AYRE DR MORGAN HILL CA 95037-9167
1715	JASPER	DR 764-44-010	DINAN, STEPHEN J AND JANICE K	1715 JASPER HIGHLANDS DR MORGAN HILL CA 95037-9165
18685	GLEN AYRE	DR 764-44-011	MCLEHNEY, JOHN R AND DENISE P	18685 GLEN AYRE DR MORGAN HILL CA 95037-9167
1815	JASPER	DR 764-44-012	JONES DENIS AND CAROLYN	1815 JASPER HIGHLANDS DR MORGAN HILL CA 95037-9166
1725	SHADY	DR 764-44-018	SKEEN JOHN A AND BARBARA I	1725 SHADY HOLLOW DR MORGAN HILL CA 95037-9161
1775	SHADY	DR 764-44-019	BRUSASCHETTI, RONALD N AND	1775 SHADY HOLLOW DR MORGAN HILL CA 95037-9161
1780	SHADY	DR 764-44-022	MATARANGAS, SANDI E AND JOHN T	1780 SHADY HOLLOW DR MORGAN HILL CA 95037-9455
18425	CASTLE RIDGE	DR 764-45-002	BUCHANAN, NANCY C TRUSTEE	18425 CASTLE RIDGE DR MORGAN HILL CA 95037-9458
18630	CASTLE HILL	DR 764-45-014	MOROZUMI, PIUS A AND SHARON L	18630 CASTLE HILL DR MORGAN HILL CA 95037-9452
18580	CASTLE HILL	DR 764-45-021	GLENROCK BUILDERS INC	0 P.O. BOX 1179 MORGAN HILL CA 95038
18530	CASTLE HILL	DR 764-45-023	CHADBAND, LISAL TRUSTEE	18530 CASTLE HILL DR MORGAN HILL CA 95037-9169
0	CASTLE HILL	DR 764-45-030	GLENROCK BUILDERS INC	14500 SYCAMORE DR MORGAN HILL CA 95037
18303	LLAGAS	CT 764-53-005	MELLOW CATHY	18303 LLAGAS CT MORGAN HILL CA 95037
0	NO SITUS	767-01-052	GARCIA, W ROCKE AND GLENDA	14500 SYCAMORE DR MORGAN HILL CA 95037
0	DEL MONTE	AV 767-03-005	RICHTER, GAYLE H TRUSTEE & ET AL	0 P O BOX 784 MORGAN HILL CA 95038
0	DUNNE	AV 767-03-036	BETPOLICE, FARIDEH TRUSTEE	21515 HAWTHORNE BL STE TORRANCE CA 90503
17205	MONTEREY	RD 767-05-001	PACIFIC GAS AND ELECTRIC CO	111 ALMADEN BLVD SAN JOSE CA 95115-0005
50	4TH	ST 767-08-006	PETERSON, VIRGINIA	0 P.O. BOX 285 GILROY CA 95021
50	5TH	ST 767-08-012	TONUS, VIRGINIA R TRUSTEE & ET	1654 SUNNYSLOPE RD HOLLISTER CA 95023
40	5TH	ST 767-08-027	WALLEY, JOAN L ET AL	0 P.O. BOX 141 MORGAN HILL CA 95038
5	MONTEREY	RD 767-08-028	GUTIERREZ, GERALDINE P TRUSTEE	40 5TH ST W MORGAN HILL CA 95037-4510
5	MONTEREY	RD 767-08-045	WRIGHT, GARY AND NADINE	5430 PARK DR ROCKLIN CA 95765

**2020 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MORGAN HILL**

Situs	APN		CITY/STATE		
16815	MONTEREY	RD 767-10-004	HUANG, SALLY XUEMING AND HE,	16815 MONTEREY RD	MORGAN HILL CA 95037-5118
16805	MONTEREY	RD 767-10-046	HE, ANTHAN W AND HUANG, SALLY	3828 CANADA RD	GILROY CA 95020-0000
170	DUNNE	AV 767-11-024	RICHTER, GAYLE H ET AL	170 DUNNE AV W	MORGAN HILL CA 95037-4938
335	SPRING	AV 767-11-030	GIANCOLA, JOSEPH TRUSTEE & ET	2290 ACOCHRANE RD	MORGAN HILL CA 95037-9306
16625	DEL MONTE	AV 767-16-013	CARUSO, LUCAS A AND VICTORIA	16625 DEL MONTE AV	MORGAN HILL CA 95037-5002
16615	DEL MONTE	AV 767-16-043	CARUSO, SALVATORE AND	20431 MCKEAN RD	SAN JOSE CA 95120-2403
180	FOOTHILL	CT 767-17-012	PRATT TERYL L AND ELIZABETH A	180 FOOTHILL CT	MORGAN HILL CA 95037-5003
16595	MONTEREY	RD 767-17-046	MONTEREY DYNASTY LLC	0 PO BOX 2610	CUPERTINO CA 95015
15590	LA ALAMEDA	767-27-005	FUXJAGER, RICHARD F TRUSTEE	0 PO BOX 214	GRASS VALLEY CA 95945
695	ENCINO	DR 767-27-007	MAESE, SUSAN K ET AL	695 ENCINO DR	MORGAN HILL CA 95037-0000
700	ENCINO	DR 767-27-026	CAMISA, MATTHEW J	700 ENCINO DR	MORGAN HILL CA 95037-5802
880	ENCINO	DR 767-31-004	AMARO, FELIX C TRUSTEE	880 ENCINO DR	MORGAN HILL CA 95037-5804
895	ENCINO	DR 767-31-030	LAHUE MERIL E III AND KARLEE R	895 ENCINO DR	MORGAN HILL CA 95037-5803
15175	VIA CORFINIO	767-36-082	ADAMS, TAMMY J	15175 VIA CORFINIO	MORGAN HILL CA 95037-5847
	NO SITUS	767-55-038	PRESIDIO VAN DAELE WATSONVILLE	9740 APPALOOSA RD	SAN DIEGO CA 92131
16975	JOHN TELFER	DR 773-07-006	RAMIREZ, ESTRELLA A	16975 JOHN TELFER DR	MORGAN HILL CA 95037-4725
1210	LLAGAS	RD 773-20-012	PETTEWAY, PATRICIA G	1210 LLAGAS RD	MORGAN HILL CA 95037-9459
1148	DEANA	CT 773-20-024	TANDA, DIANE L AND WAYNE K	1148 DEANA CT	MORGAN HILL CA 95037-3404
1170	LLAGAS	RD 773-20-044	REYES, GABRIEL A AND HELEN L	1170 LLAGAS RD	MORGAN HILL CA 95037-9185
15825	SUNNYSIDE	AV 773-22-028	BAGULA MARK O	15825 SUNNYSIDE AVE	MORGAN HILL CA 95037-5329
18105	SABINI	CT 773-27-003	WOOD, SHARON A TRUSTEE	18105 SABINI CT	MORGAN HILL CA 95037-3422
18005	OLIVE	LN 773-27-010	MCNAMARA, DANIEL TRUSTEE & ET	18005 OLIVE BRANCH LN	MORGAN HILL CA 95037
	ALMOND	DR 773-27-016	SHROPSHIRE MICHAEL B TRUSTEE	1270 ALMOND ORCHARD DR	MORGAN HILL CA 95037-3402

**2020 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MORGAN HILL**

Situs	APN		CITY/STATE		
15580	VIA VENETO	773-29-008	SHU HUI-CHEN	15580 VIA VENETO	MORGAN HILL CA 95037-5352
15585	VIA VENETO	773-29-011	MACHADO EDWARD F AND ERIN D	15585 VIA VENETO	MORGAN HILL CA 95037-5352
1092	LLAGAS	RD 773-32-012	COLHOUR, ROBERT M AND FOLTZ,	1092 LLAGAS RD	MORGAN HILL CA 95037-3413
1110	LLAGAS	RD 773-32-013	STROLATA PROPERTIESLLC	999 FRANQUETE AV	SAN JOSE CA 95125
14905	SANTA TERESA BL	779-02-023	BLACKROCK LLC A CALIF LLC	2730 LONE OAK CT	GILROY CA 95020
16780	MONTEREY	RD 817-01-006	ATES LLC	34695 LOWER TRAIL	CARMEL CA 93923
16870	MONTEREY	RD 817-01-018	MERINO, FRED S TRUSTEE	1170 MCKENDRIE ST	SAN JOSE CA 95126-1406
16770	MONTEREY	RD 817-01-081	ATES LLC	34695 LOWER TRAIL	CARMEL CA 93923
16495	VINEYARD	BL 817-02-043	TANSY DEVELOPMENT INC	1967 STANWOOD DR	SANTA BARBARA CA 93103
16470	VINEYARD	BL 817-02-044	TANSY DEVELOPMENT INC	1967 STANWOOD DR	SANTA BARBARA CA 93103
	...VINEYARD	817-02-057	LABRUCHERIE ARMAND R AND JOAN	P.O. BOX 716	MADERA CA 93639
16143	KEITH	WY 817-03-053	GREGG, JEANNE TRUSTEE	15640 LA TIERRA DR	MORGAN HILL CA 95037-5838
215	TENNANT	AV 817-04-059	OSITO HOLDINGS LLC	0 PO BOX 362	MORGAN HILL CA 95037
240	VINEYARD	CT 817-05-067	HOME OF CHRIST CHURCH IN	16910 SAN SIMEON DR	MORGAN HILL CA 95037-0000
0	RAILROAD	AV 817-05-070	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	TENNANT	AV 817-08-029	TENNANT & RAILROAD AVENUES	19912 WEEEMS LN	HUNTINGTON BEACH CA 92646
800	TENNANT	AV 817-08-030	D DEVI OIL INC	41805 ALBRAE ST	FREMONT CA 94538-3120
740	TENNANT	AV 817-08-032	BIEDERMANN, ATHUR AND SUSAN	7 MAPLE AV	ATHERTON CA 94027-4065
0	JUAN	DR 817-09-039	THE HEALTH TRUST	3180 NEWBERRY DR STE200	SAN JOSE CA 95118
0	JUAN	DR 817-09-041	THE HEALTH TRUST	3180 NEWBERRY DR STE 200	SAN JOSE CA 95118
0	JUAN	DR 817-09-046	D & D RANCH	99 ALMADEN BL 565	SAN JOSE CA 95113-1604
965	SAN PEDRO	AV 817-11-073	965 PEDRO GROVE LLC	1457 EDGEWOOD DR	PALO ALTO CA 94301-3118
5	CONDIT	RD 817-13-021	NG, BETTY TRUSTEE & ET AL	1835 FRANKLIN APT 903	SAN FRANCISCO CA 94109-3457

**2020 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MORGAN HILL**

Situs	APN			CITY/STATE	
1075 A	CONDIT	AV	817-13-022	NG, BETTY TRUSTEE & ET AL	1835 FRANKLIN APT 903 SAN FRANCISCO CA 94109-3457
16275	CONDIT	RD	817-13-024	HSU FAMILY LP ET AL	1401 GRAYWOOD DR SAN JOSE CA 95129-4778
0	HILL	RD	817-20-031	LEWIS MORGAN HILL LLC	0 POBOX 5368 SAN JOSE CA 95150
16015	CAPUTO	DR	817-29-027	MORGAN HILL CAR WASH INC	5542 MONTEREY RD #217 SAN JOSE CA 95138
0	BARRETT	AV	817-30-080	SANDHU, ATAM PARKASH SINGH	1800 SILVERWINGS CT MORGAN HILL CA 95037-9308
16290	RAILROAD	AV	817-32-057	LEVEL 10 CONSTRUCTION LP	1050 ENTERPRISE WY STE SUNNYVALE CA 94089-0000
2200	HERMOSA	CT	817-48-070	LICATA MICHAEL J AND ELIZABETH	4466 FARAONE CT SAN JOSE CA 95136-1808
2250	FOUNTAIN	DR	817-48-079	MOORE DAVID W AND BETH R	2250 FOUNTAIN OAKS DR MORGAN HILL CA 95037-3818
380	SAN PEDRO	AV	817-58-014	REBOZZI, LOUIS J AND MAUREEN L	315 CLARKE LN MORGAN HILL CA 95037-9231
16693	SAN BENITO	DR	817-59-028	ESQUIVEL-TANCHICO, CLARINA	17310 HENDRY DR MORGAN HILL CA 95037-9710
470	SAN PEDRO	AV	817-59-068	AHMADI, RAHMATOLLAH AND	3629 BERCAW LN SAN JOSE CA 95124-2831
16680	NINA	LN	817-60-024	BUTTERICK TIM AND ANN	16680 NINA LN MORGAN HILL CA 95037-5240
770	SAN PEDRO	AV	817-60-057	705A INVESTORS LLC	15700 WINCHESTER BL LOS GATOS CA 95030
	NO SITUS		817-78-004	BUSK, BETTY G TRUSTEE	1390 DUNNE AV E MORGAN HILL CA 95037-7058
	NO SITUS		817-78-005	NORDSTROM CAL HOMESLLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS		817-78-006	NORDSTROM CAL HOMESLLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS		817-78-007	NORDSTROM CAL HOMESLLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS		817-78-008	NORDSTROM CAL HOMESLLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS		817-78-009	NORDSTROM CAL HOMESLLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS		817-78-010	NORDSTROM CAL HOMESLLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS		817-78-011	NORDSTROM CAL HOMESLLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS		817-78-012	NORDSTROM CAL HOMESLLC	1615 VENTURA DR MORGAN HILL CA 95037-0000
	NO SITUS		817-78-013	BUSK, BETTY G TRUSTEE	1390 DUNNE AV E MORGAN HILL CA 95037-7058

Situs	APN	CITY/STATE				
	817-78-014	NORDSTROM CAL HOMESLLC	1615 VENTURA DR	MORGAN HILL	CA	95037-0000
	817-78-015	NORDSTROM CAL HOMESLLC	1615 VENTURA DR	MORGAN HILL	CA	95037-0000
	817-78-016	NORDSTROM CAL HOMESLLC	1615 VENTURA DR	MORGAN HILL	CA	95037-0000
	817-78-017	NORDSTROM CAL HOMESLLC	1615 VENTURA DR	MORGAN HILL	CA	95037-0000
0	(LAND ONLY)	GLENROCK BUILDERS INC.	14500 SYCAMORE DR	MORGAN HILL	CA	95037-0000
0	(LAND ONLY)	GLENROCK BUILDERS INC.	14500 SYCAMORE DR	MORGAN HILL	CA	95037-0000
14900	MONTEREY RD	CHANG, SANDY TRUSTEE	105 CROW CANYON DR	FOLSOM	CA	95630

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL INSTRUCTING THE SANTA CLARA COUNTY CONSUMER AND ENVIRONMENTAL PROTECTION AGENCY TO ABATE NUISANCES ARISING OUT OF HAZARDOUS VEGETATION GROWING UPON LOTS OR IN FRONT OF PROPERTY IN THE CITY OF MORGAN HILL AS REQUIRED BY TITLE 8, CHAPTER 8.20 OF THE MORGAN HILL MUNICIPAL CODE

B

WHEREAS, pursuant to Title 8, Chapter 8.20 of the Morgan Hill Municipal Code, the City Council hereto adopted Resolution No. 19-061 declaring hazardous vegetation growing in the City of Morgan Hill to constitute a public nuisance; and

WHEREAS, a Public Hearing was held pursuant to Resolution No. 19-061 and Chapter 8.20 of the Morgan Hill Municipal Code in that time and manner required by law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morgan Hill authorizes as follows:

1. That the Santa Clara County Consumer and Environmental Protection Agency (Agency) is hereby ordered, to abate the nuisance or cause the same to be abated by having the vegetation destroyed by cutting, disking or any other method as may be determined by the Agency for the following property: APN 729-11-003.
2. That any property owner shall have the right to destroy or remove at his or her expense prior to removal of said vegetation by the Agency.
3. That the Agency shall keep an account of the cost of removing said vegetation, document such account in a report and assessment list, and file the same with the City. Such report shall refer to each separate lot or parcel of land, together with the expense of removal of hazardous vegetation therefrom.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 5th day of February 2020 by the following vote:

AYES: **COUNCIL MEMBERS:**

NOES: **COUNCIL MEMBERS:**

ABSTAIN: **COUNCIL MEMBERS:**

ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

IRMA TORREZ, City Clerk

∞ **CERTIFICATION** ∞

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-XXX, adopted by the City Council at the meeting held on the 5th day of February 2020.

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

DATE: _____

Irma Torrez, CITY CLERK

Attachment: Resolution B Commencement [Revision 1] (2634 : 2020 Hazardous Vegetation Abatement Commencement)

2020 Return Reply Form

Non Compliant Parcel Owner

IMPORTANT: Please complete this form and mail back to the Weed Abatement Program **within 15 days of receipt of this notice.** Thank you.

TRA:



000-00-000

Non Compliant Parcel Owner
Weed Abatement Way
Santa Clara County CA 95121

Please check the box that
applies for each parcel
(see explanations below):

Parcel Number	Site Address	A	B	C
000-00-000	Santa Clara County	☐	☐	☐

A I am no longer the owner of this property, and the new owner information is listed below. Please return Reply Form immediately.

B I intend to maintain this parcel in a manner consistent with the Minimum Fire Safety Standards from **through the end of the fire season (typically runs through October)**. All parcels on the abatement list remain subject to inspection to ascertain compliance. Non-compliance by the deadline will result in an Inspection fee or the abatement of weeds by the County contractor and the resulting charges added to the property tax.

C I request that the County Contractor perform weed abatement work on this parcel. Charges for this work will be added to my property tax bill. **(All County fees Apply)**

Please provide any additional information such as new owners, presence of piping, irrigation, crops or other improvement. If your property is fenced/locked, please provide instructions on how to enter the property. If you are no longer the owner of the property identified by this mailing, please notify the County immediately. If you sell your property after December 1st, 2018, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be liable for all hazard abatement charges assessed to the property. Thank you

☐

Please check if you feel this parcel is environmentally sensitive

Signature

Name (please print)

Date

()
Day time phone

Fold Here First

Return Address

**Santa Clara County Weed Abatement Program
Consumer and Environmental Protection Agency
1553 Berger Drive, Bldg. #1
San Jose, California, 95112**

Fold Here Second
Use Staples To Secure



Community Services Department
17575 Peak Ave.
Morgan Hill, CA 95037
(408)779-7271
www.morganhill.ca.gov

December 5, 2019

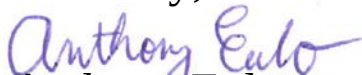
Dear Property Owner:

This package is not junk mail, or a mailing being sent to all property owners. It is being sent to you because your specific property has been included in the City's Weed Abatement Program. The City contracts with the County for program administration.

Please read the attached sheets carefully. Action on your part is requested and failing to act may result in substantial program charges being added to your property tax bill.

I encourage you to contact the County if you have any questions about your property or need on-site advice to help you achieve compliance with the Minimum Fire Standards. They are available to help you. The Santa Clara County Weed Abatement Program can be reached at (408) 282-3145.

Sincerely,


Anthony Eulo

Program Administrator

Attachment: 2020 Mailing Packet [Revision 1] (2634 : 2020 Hazardous Vegetation Abatement Commencement)

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460



December 9, 2019

IMPORTANT NOTICE TO ABATE WEEDS

Dear Property Owner:

To protect your property and the surrounding area from a possible fire, your jurisdiction contracts with the County of Santa Clara to operate a Weed Abatement Program. You are receiving this notice and information because it has been determined that your parcel is part of this Program. Please read the information carefully and contact us for clarification or additional information.

Your jurisdiction has adopted or will adopt a resolution declaring your property as one that may contain fire hazards from either weeds or other debris. Following this action, your jurisdiction will be conducting a public hearing to consider an abatement order requiring you to remove any hazardous vegetation or combustible debris prior to the deadline in the enclosed *Weed Abatement Program Schedule*. A public hearing will be held on date and location specified in the enclosed *Notice to Destroy Weeds*, and provides an opportunity for you to raise any objections or concerns with this requirement.

If you believe your parcel includes an environmentally sensitive habitat, please complete the enclosed *Reply Form* to assist in determining the best approach to weed abatement at your property.

After the public hearing, if the Weed Abatement Program is approved for your property, the County is authorized by contract with your city and the California Health and Safety Code sections 14875-14922 to inspect your property to determine whether the property has been cleared of hazards according to the Minimum Fire Safety Standards in the enclosed *Santa Clara County Weed Abatement Program* brochure. Inspections will begin after the abatement deadline for your jurisdiction. This notice does not relieve you of your responsibility to complete the necessary work prior to the deadline for your jurisdiction. You will be responsible for an annual fee of \$101 to cover the cost of this compliance inspection.

If you fail to complete the abatement work prior to County inspection, the property owner will be responsible for a \$582 inspection fee per parcel, and the property will be scheduled for abatement by the County contractor. If the abatement work is completed before the scheduled County contractor job, further charges will not be incurred. However, if the County completes this work, a \$984 County administrative fee will be assessed per parcel in addition to the cost for abatement.

The County will make all efforts to use the less costly method of abatement considering the physical characteristics of the property and any environmental concerns. The enclosed *Notice to Destroy Weeds* includes a price list covering detailed fees. Following confirmation of charges by your jurisdiction, the total amount charged will be included as a special assessment on the property tax bill. A meeting notice will be posted at a location determined by your jurisdiction (typically in Civic Centers) at least three days prior to the meeting.

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith

Attachment: 2020 Mailing Packet [Revision 1] (2634 : 2020 Hazardous Vegetation Abatement Commencement)

Other than the annual compliance fee, all other costs could be avoided by completing the abatement work yourself, according to Minimum Fire Safety Standards, prior to the abatement deadline for your jurisdiction and maintaining the Minimum Fire Safety Standards for the fire season duration, which typically runs through October. Parcels will be removed from the program after three consecutive years of voluntary compliance (work completed by property owner prior to the deadline).

If you designate in your reply that you intend to abate the weeds yourself, you need to complete the abatement before the deadline listed on the abatement schedule and maintain fire safe conditions for the duration of the fire season. Responding that you intend to provide maintenance yourself does not release you from this responsibility to have the maintenance *completed* before your deadline and *repeated* as necessary to maintain Minimum Fire Safe Standards. The County will proceed to abate hazardous vegetation as necessary after the deadline for your jurisdiction.

Enclosed you will find the following information:

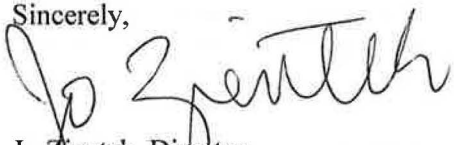
- ✓ Reply Form specific to your property. Please complete and return promptly to inform your property abatement plans.
- ✓ Notice to Destroy Weeds informing you of an upcoming public meeting. You must attend if you have any objections to the proposed removal of hazardous vegetation or debris from your property.
- ✓ Weed Abatement Program Schedule for your jurisdiction and current County price list.
- ✓ Santa Clara County Weed Abatement Program brochure.

Please be aware that any abatement performed by the County must be in compliance with all applicable environmental protection regulations. If your property falls within an area designated as possible habitat for burrowing owls or any other protected species of bird or animal, the methods used to remove vegetation may be regulated by specific laws or local ordinances.

If you are no longer the property owner identified by this mailing, please notify the County immediately at (408) 282-3145. If you sell your property after the date of this letter, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be responsible for all hazard abatement charges assessed to the property.

Our goal is voluntary compliance with the Minimum Fire Safety Standards, and it is our objective to ensure that all properties remain safe from fire. If you have any questions about your property or need on-site advice to help you achieve compliance with the Minimum Fire Standards, please call the Santa Clara County Weed Abatement Program at (408) 282-3145.

Sincerely,



Jo Zientek, Director
Consumer and Environmental Protection Agency

Notice to Destroy Weeds

NOTICE IS HEREBY GIVEN that on December 4, 2019, pursuant to the provisions of Section 8.20.030 of the Morgan Hill Municipal Code, the City Council of said City passed a resolution declaring that all weeds growing upon any private property or in any public street or alley, as defined in Section 8.20.010, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall without delay, remove all such weeds from their property, and the abutting half of the street in front and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or removed and such nuisance abated by the City authorities, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of said City to be held in the Council Chambers of the City of Morgan Hill located at 17555 Peak Avenue, Morgan Hill, California, on **Wednesday, February 5th, 2020, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, when their objections will be heard and given due consideration.

The language and format for this notice is required by California Health and Safety Code Sections 14891 Et. Seq.

MORGAN HILL WEED ABATEMENT PROGRAM SCHEDULE

February 5, 2020	Public hearing to consider objections to Abatement List.
May 1, 2020	<u>PARCEL ABATEMENT DEADLINE</u> Parcel must be free from hazardous vegetation by this date or Inspector will order abatement.
July/August 2020	Assessment Hearing date to be scheduled by City Council.

2020 COUNTY WEED ABATEMENT FEES

Properties in the Weed Abatement Program, you will be responsible for an annual inspection fee of \$101.00 per parcel.

Please be advised that the property owner of any parcel found to be non-compliant on or after the March 1st deadline will be charged a processing fee of \$582.00 and the property will be scheduled for abatement by the County contractor. If you complete the abatement work before the County contractor performs the abatement, you will not incur further charges. Should the abatement work be performed by a County contractor, you will be assessed the contractor's charges plus a County administrative fee of \$984.00 per parcel.

2020 COUNTY CONTRACTOR'S WEED ABATEMENT PRICE LIST

A) Disc Work**

PARCEL SIZE:	1 st Disc	+	2 nd Disc	=	Total Discs
0-12,500 sq.ft.	<u>\$399.80</u>		<u>\$160.73</u>		<u>\$560.53</u>
12,501sq.ft.- 43,560sq.ft.	<u>\$399.80</u>		<u>\$160.73</u>		<u>\$560.53</u>
Larger than 1 Acre	<u>\$290.41</u>		<u>\$141.83</u>		<u>\$432.24</u> (PER ACRE)

** It is required that parcels be disced twice a year. The cost for the first discing is higher due to additional work normally required during the first discing.

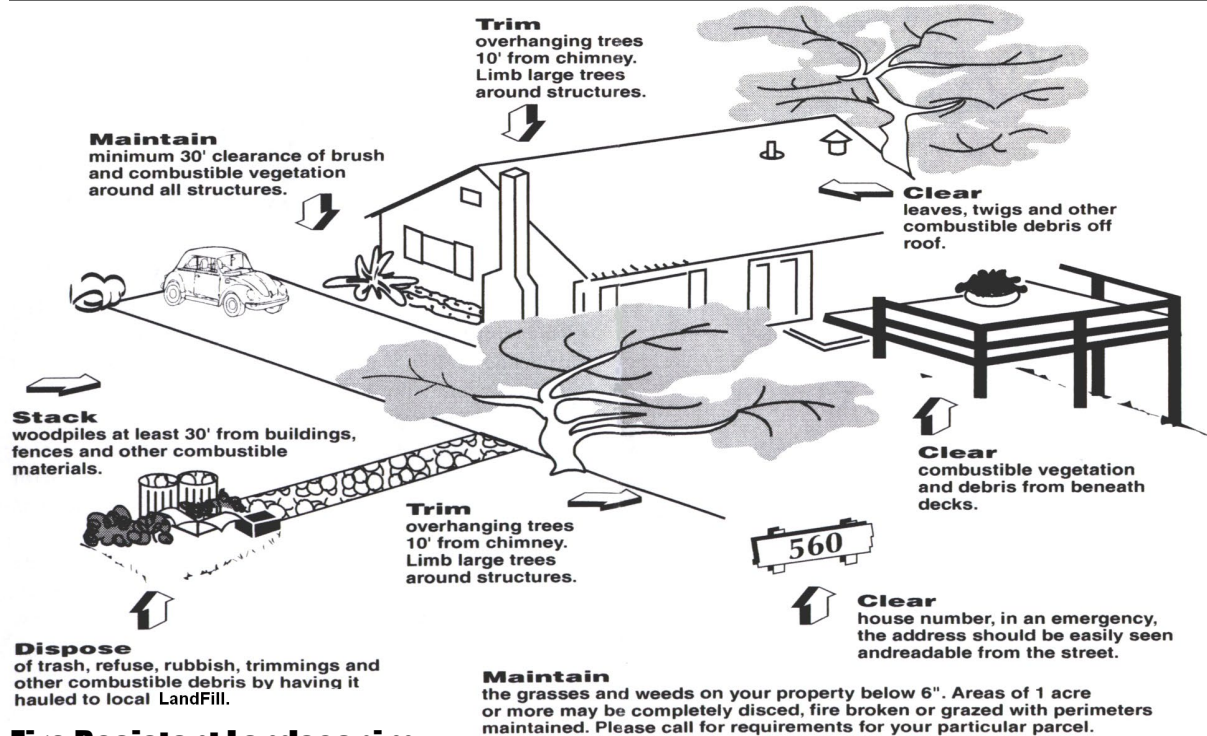
B) HANDWORK	<u>\$5.40 PER 100 Square Feet (SF)</u>
C) FLAIL	<u>6 Foot Mower \$6.89 PER 1,000 SF</u>
MOWING	<u>12 Foot Mower \$6.89 PER 1,000 SF</u>
D) LOADER WORK	<u>\$165.20 PER HOUR</u>
E) DUMP TRUCK	<u>\$152.49 PER HOUR</u>
F) BRUSH WORK	<u>\$5.16 PER 100 SF</u>
G) DEBRIS REMOVAL	<u>\$56.73 PER HOUR</u>
H) DUMP FEE	<u>100%</u>

Added to orders with debris removal at 100% of the dump site charge.

***Please note this program does not offer herbicide application as a method of abatement.**

MINIMUM FIRE SAFETY STANDARDS

1. **Vegetation must not exceed 6 inches in height any time after the compliance deadline.**
2. Maintain grasses and weeds below 6 inches for 10 feet horizontally on both sides of all roadways, including driveways and access routes. Roads and Driveways must maintain a clearance of 10' W by 13'6" H for all vegetation
3. Clear flammable vegetation a minimum of 30 feet around any structure, occupied or not. Ornamental vegetation should be kept clear of dead material. Some conditions, such as slopes, may require up to a 100-foot clearance.
4. Parcels one acre or less shall be completely abated. Parcels over one acre up to five acres require 30-foot clearance around structures and perimeter property lines. Additional 30-foot cross fuel breaks may also be required.
5. Parcels larger than five acres require 30-foot clearance around structures and perimeter property lines in addition to 30-foot cross fuel breaks as needed to separate the remaining vegetation into sections no larger than five acres.
6. Keep property clear of accumulation of combustible debris, such as trash, wood, and dead vegetation. Stacked firewood and neatly piled yard waste is not considered to be combustible debris.
7. Keep vegetation cleared from under the eaves of houses.
8. Trim tree branches to at least 10 feet away from chimney.
9. Clear leaves, pine needles and debris from roof and gutters.



Fire Resistant Landscaping

The following is a partial list of fire resistant plants that you may choose to use around your home to reduce the risk of fire. Contact your local nursery for selections appropriate to your area. All grasses, including those purportedly fire resistant, must be maintained below 6" in height.

Trees:

African Sumac
California Pepper

Shrubs:

Bearberry
Carmel Creeper
Carolina Cherry
Catalina Cherry

Escallonia

Hopseed Bush
Lemonade Berry

Groundcover:

Aaron's Beard
Australian Daisy
Candytuft
Sterile Capeweed

Freeway Daisy

Rock rose (except Gum Variety)

Fire Safety Through Vegetation Management

Santa Clara County
Consumer and Environmental
Protection Agency

Weed Abatement Program



1553 Berger Drive #1
San Jose, Ca 95112
Phone (408) 282-3145
Fax: (408) 286-2460

SCC.WeedAbatement@cep.sccgov.org

The Santa Clara County Weed Abatement Program

The Santa Clara County Department of Agriculture and Environmental Management and your city are working together to protect your community from fire. We need your help. Please read and follow the directions provided in this brochure regarding fire prevention on your property. The purpose of the Weed Abatement Program is to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials.

The Weed Abatement program is entirely funded from fees charged to residents. Fees will be assessed for any property in the program. This is to cover the cost of the compliance inspection for the property. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement. If the property requires abatement by the County contractor, the property owner will be responsible for the actual cost of abatement plus an administrative fee. Properties that meet and maintain the minimum fire safety standards will not be charged other than the annual fee.

Program staff annually inspect parcels at the beginning of the fire season, which is typically in March or April depending on your jurisdiction. If the parcel is not in compliance at the time of inspection, the property owner will be charged a failed inspection fee, and the owner will be sent a courtesy notice as a reminder to abate the weeds. If the weeds are not abated by the property owner, the work will be completed by the County contractor. The property owner will pay the contractor's fees plus a County administrative fee. All fees will be included in your property tax bill.

Our Goal Is Voluntary Compliance

Property Owner's Responsibilities

- Do not allow a fire hazard to exist on your property. The Minimum Fire Safety Standards (MFSS) in this brochure give you guidelines to follow in order to maintain your property and protect against a fire hazard. **Please contact our office if you need guidance or have any questions regarding the requirements!**
- Make arrangements to have your property maintained throughout the year. Contractors can be found in the yellow pages. You may choose to have the County contractor maintain your property. A current price list is included in your packet.
- Please complete and return the Reply Form provided in your mailing packet by the date on the form. Indicate your preference regarding performance of weed abatement services.

Program Staff Responsibilities

- Weed Abatement Inspectors will perform periodic inspections on all parcels included in the Santa Clara County Weed Abatement Program. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement.

- Inspectors will order the County contractor to perform all necessary abatement work on any parcel where the MFSS are not met. An attempt will be made to give the owner a courtesy notice prior to releasing the work order.
- The County contractor uses several methods of abatement including disking and handwork. The property owner is free to select whatever method they choose, provided the MFSS of all federal, state and local laws are met.
- The Weed Abatement Program will place inspection costs and the charges for County contractor services plus a County administrative fee on the property owner's tax bill during the next fiscal year.

Burrowing Owls

These small owls nest in abandoned ground squirrel burrows. Disking collapses the burrows and kills the young. These owls are listed as a state Species of Special Concern and are protected by the federal Migratory Bird Treaty Act. If you suspect burrowing owls on your property you **must** use another form of weed abatement such as mowing or weed-eating. If you request the County perform abatement services, please notify program staff or your City if burrowing owls are known to exist on your property.

Frequently Asked Questions

Q. Why have I received an Abatement Notice?

A. Typically, a property is placed on the program if a Weed Abatement Inspector identified a potential fire hazard on the property. Fire Departments and other agencies also submit complaints to the Weed Abatement Program.

Q. What is required of me now that I am in the Program?

A. All property owners are required to maintain their property free of fire hazards throughout the year.

Q. The grasses planted on my property are fire resistant. Are they exempt from the Weed Abatement program?

A. No. Even grasses that possess some fire resistant qualities are not fire proof, and they can add fuel to any site that is subject to a fire. Additionally, fire resistant grasses are rarely found in a pure, homogenous stand but rather are usually found to occur mixed with other common introduced annual grasses that are highly flammable and hazardous in a fire event. Finally, many grasses occur in Santa Clara County and species identification is difficult in the field, especially after the spring when the reproductive portions required for identification have dried and dispersed. Weed Abatement Inspectors can only focus on the presence of grasses and weeds on your property and the Minimum Fire Safety Standards, and not on grass species identification. Therefore, all grasses are required to be below 6 inches in height.

Q. What is the SC County Weed Abatement Program?

A. This is a monitoring program and our primary objective is voluntary compliance. See the first two paragraphs of this brochure for further specifics.

More FAQ:

Q. How long will I be on the Program?

A. Your property will remain on the Program for three years. If no hazards are found during that time, your property may be removed from the program.

Q. How much will this cost me?

A. There will be an annual fee to cover the cost of the compliance inspection. If the parcel does not meet the MFSS when it is first inspected in the spring, or if work is required by the County contractor, you will be charged additional fees. Our goal is to ensure that the MFSS are met at the lowest possible cost to the property owner.

Q. How will I be billed?

A. Any charges for the inspection and any abatement work performed will appear as a special assessment on your next property tax bill.

Q. Why have you performed work on my property while the vegetation is still green?

A. Grass, weeds or piles of combustible debris have been declared a public nuisance by your jurisdiction. Abating fire hazards in the spring minimizes the volume of combustible material before the hazards increase and dries out completely during the peak fire season.

Q. Will you notify me prior to beginning abatement work?

A. Property owners are responsible for preventing fire hazards on their property. If the MFSS have been met, but further work is necessary, you will receive notice prior to the County contractor performing the work. If the MFSS have **not** been met, an attempt will be made to give the owner a courtesy notice prior to initial abatement.

Q. Where can I find someone to provide abatement services?

A. Weed Abatement contractors can be found in the Yellow Pages under "Weed Control Services" or "Disking Services". You may have the County contractor perform the necessary work; see your mailing packet for a current price list as administrative costs are charged.

Q. How can I get additional information or assistance regarding the specific requirements for my property?

A. Weed Abatement Inspectors are available to assist you and answer your questions. Please call our Customer Service line at (408) 282-3145 to schedule a consultation with program staff or to obtain additional information.

Q. I have Grazing Animals do I need to perform abatement?

A. Grazing animals do not absolve you of your responsibilities to provide a fire safe condition on your property. You will need to check with our office to determine if grazing is adequate or if additional work is required.



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2020

PREPARED BY: Keri Russell, Maintenance Services Coordinator
APPROVED BY: City Manager

HOLD PUBLIC HEARING AND TABULATE BALLOTS FOR JACKSON MEADOWS #6 AND MILL CREEK SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

RECOMMENDATION(S)

1. Open public hearing for Jackson Meadows #6;
2. Accept public input on ballot proceeding;
3. Announce close of public hearing is pending – Any property owner wishing to withdraw their ballot must do so now;
4. Announce close of public hearing is pending – Any property owner wishing to submit a ballot must do so now;
5. Close Jackson Meadows #6 public hearing;
6. Open public hearing for Mill Creek;
7. Accept public input on ballot proceeding;
8. Announce close of public hearing is pending – Any property owner wishing to withdraw their ballot must do so now;
9. Announce close of public hearing is pending – Any property owner wishing to submit a ballot must do so now;
10. Close public hearing for Mill Creek;
11. Take ten-minute recess for ballot tabulation;
12. Accept verbal report from Deputy City Clerk on Jackson Meadows #6 ballot tabulation results; and
13. Accept verbal report from Deputy City Clerk on Mill Creek ballot tabulation results;
14. Adopt Resolution A or B certifying the Jackson Meadows #6 ballot proceeding results; and
15. Adopt Resolution A or B certifying the Mill Creek ballot proceeding results.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility

REPORT NARRATIVE:

The purpose of this report is to:

- Provide the public with a final opportunity to provide the City with input on the special ballot proceeding needed to increase the maximum level of assessment in the Jackson Meadows #6 and Mill Creek Subarea of Morgan Hill Landscape Assessment District Number 1 (District);
- Call an official close to the submission of ballots;

- Tabulate the ballots; and
- Certify the results of the ballot proceeding.

The City has been administering the various subareas contained in Morgan Hill Landscape Assessment District Number 1 since the 1990s. Each of these subareas function as a “mini-district” in which the revenues garnered through the annual assessments must only be used to pay the administrative and direct service costs for that subarea. Two of these subareas, Jackson Meadows #6 and Mill Creek, are experiencing significant funding issues. Jackson Meadows #6 is projected to have a negative fund balance at the end of FY 2019-20 and Mill Creek is projected to have a negative fund balance by the following fiscal year due to inflationary factors on the expense side and no increases in assessments over the last ten years.

As a result of Proposition 218, the assessment level cannot be increased above the maximum permitted level without an affirmative vote of the majority of the voting property owners.

City staff have tried to meet with residents from Jackson Meadows #6 several times in the last year and only a very small number of homeowners have attended or been responsive to letters. Those that have attended were in favor of the increase, however, more recently some residents have expressed opposition to the increase.

City staff have also met with some of the residents in the Mill Creek Subarea. During that meeting, the residents in attendance indicated that they would prefer to vote to increase their maximum assessment level in order to maintain their level of service rather than a reduction to services.

The City Council approved the resolution of intent needed to start this process at its meeting of November 20, 2019. Immediately thereafter, City staff mailed the required public notice and ballot to all the property owners in the Jackson Meadows #6 and Mill Creek Subarea informing them about the ballot proceeding and their options to respond. The mailing included a special return envelope and the City Clerk has been receiving sealed ballots in the intervening weeks. These ballots will now be opened and tabulated at the close of tonight’s public hearing.

Once the ballots have been tabulated, the City Clerk will announce the results of the tabulation and the Council may adopt a resolution certifying the results of the ballot proceeding. If it is not possible to tabulate the ballots for some unforeseen reason, the City Council may continue the item to a future meeting in order to finalize the tabulation. There are two versions of resolutions for each of the subareas:

- Version A – Shall be adopted if the final tabulation determines that a majority of property owners who submitted ballots support an increase in the maximum assessment rate.
- Version B – Shall be adopted if the final tabulation does not determine that a majority of property owners who submitted ballots support an increase in the maximum assessment rate.

COMMUNITY ENGAGEMENT: Consult

Staff recently held meetings with both Jackson Meadows #6 and Mill Creek residents to discuss the budget deficit in both subareas. City staff also sent letters informing residents of the funding issues and inviting them to participate in the meetings or connect with City staff by phone or email. Staff proposed an increase in the maximum assessment as the alternative would be a reduction in services. Residents present at the meetings supported the increase. The Council also received comments from two residents at the previous Council meeting opposing the increase at Jackson #6. City staff met with the residents following that meeting and they both do not support the increase but believed it best to continue communications with the City following the outcome of the vote.

ALTERNATIVE ACTIONS:

There are no alternative actions for the Council at this point in the process.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The Council approved the resolution of intent needed to start this process at its meeting on November 20, 2019. A public meeting allowing the public to “be heard” was convened at the January 15, 2020 Council meeting.

FISCAL AND RESOURCE IMPACT:

This item does not have a fiscal impact as the ballot proceeding will only raise the legally permissible maximum assessment limit, it will not actually increase the assessment. The actual annual assessments for the entire District will be set by a separate Council action scheduled for a meeting later in the Spring. Administering the District is included in the work program of the Community Services Department.

CEQA (California Environmental Quality Act):

Not a Project

The actions in this resolution are fiscal activities which do not directly involve a physical impact on the environment.

LINKS/ATTACHMENTS:

1. Jackson Meadows #6 Resolution A
2. Jackson Meadows #6 Resolution B
3. Mill Creek Resolution A
4. Mill Creek Resolution B
5. Supplemental - Jackson 6 Resident Email

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL CERTIFYING THE RESULTS OF THE BALLOT TABULATION FOR THE ASSESSMENT BALLOT PROCEEDING TO SUBMIT TO THE QUALIFIED PROPERTY OWNERS THE QUESTION OF THE PROPOSED INCREASE IN THE MAXIMUM ASSESSMENT RATE FOR THE JACKSON MEADOWS #6 SUBAREA OF LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NUMBER 1 BEGINNING JULY 1, 2020

The City Council of the City of Morgan Hill (hereafter referred to as the “City Council”) does resolve as follows:

WHEREAS, the City Council has previously formed Landscape Assessment District No. 1 (District), previously the Fox Hollow/Murphy Springs Landscape Assessment District, to levy and collect assessments pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* (hereafter referred to as the “Act”) that provides for the levy and collection of assessments by the County of Santa Clara for the City of Morgan Hill to pay the maintenance and services of all improvements and facilities related thereto;

WHEREAS, City representatives have attempted to meet with residents of the Jackson Meadows #6 Subarea of Landscape Assessment District No. 1 which is experiencing significant funding issues for regular maintenance of the Subarea;

WHEREAS, the City Council adopted a Resolution of Intent on November 20th, 2019 approving a supplemental engineer’s report and initiating an assessment ballot proceeding on the question of increasing the maximum amount of the assessments in the Jackson Meadows #6 Subarea;

WHEREAS, immediately thereafter, the City mailed a notice and ballot to all property owners within the Jackson Meadows #6 Subarea; and

WHEREAS, the City Clerk has tabulated the ballots submitted in compliance with State law.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL, PURSUANT TO CHAPTER 2, SECTION 22587 OF THE ACT AND CALIFORNIA CONSTITUTIONAL ARTICLES XIIIIC AND XIID, AS FOLLOWS:

Results: The City Clerk has tabulated the ballots properly and legally submitted on the question of increasing the maximum assessment allowed in the Jackson Meadows #6 Subarea and determined that a majority of the property owners voting submitted ballots approving an increase in the assessment. With this majority in support, the maximum assessment rate for the Jackson Meadows #6 Subarea of the District is increased beginning in the 2020-2021 Fiscal Year to \$200.

City of Morgan Hill
Resolution No.
Page 2 of 2

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 5th day of February 2020 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

IRMA TORREZ, City Clerk

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-XXX, adopted by the City Council at the meeting held on the 5th day of February 2020.

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

DATE: _____

Irma Torrez, CITY CLERK

Attachment: Jackson Meadows #6 Resolution A [Revision 4] (2626 : Jackson Meadows #6 and Mill Creek Final Public Hearing)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL CERTIFYING THE RESULTS OF THE BALLOT TABULATION FOR THE ASSESSMENT BALLOT PROCEEDING TO SUBMIT TO THE QUALIFIED PROPERTY OWNERS THE QUESTION OF THE PROPOSED INCREASE IN THE MAXIMUM ASSESSMENT RATE FOR THE JACKSON MEADOWS #6 SUBAREA OF LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NUMBER 1 BEGINNING JULY 1, 2020

The City Council of the City of Morgan Hill (hereafter referred to as the “City Council”) does resolve as follows:

WHEREAS, the City Council has previously formed Landscape Assessment District No. 1 (District), previously the Fox Hollow/Murphy Springs Landscape Assessment District, to levy and collect assessments pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* (hereafter referred to as the “Act”) that provides for the levy and collection of assessments by the County of Santa Clara for the City of Morgan Hill to pay the maintenance and services of all improvements and facilities related thereto;

WHEREAS, City representatives have attempted to meet with residents of the Jackson Meadows #6 Subarea of Landscape Assessment District No. 1 which is experiencing significant funding issues for regular maintenance of the Subarea;

WHEREAS, the City Council adopted a Resolution of Intent on November 20th, 2019 approving a supplemental engineer’s report and initiating an assessment ballot proceeding on the question of increasing the maximum amount of the assessments in the Jackson Meadows #6 Subarea;

WHEREAS, immediately thereafter, the City mailed a notice and ballot to all property owners within the Jackson Meadows #6 Subarea; and

WHEREAS, the City Clerk has tabulated the ballots submitted in compliance with State law.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL, PURSUANT TO CHAPTER 2, SECTION 22587 OF THE ACT AND CALIFORNIA CONSTITUTIONAL ARTICLES XIIIIC AND XIID, AS FOLLOWS:

Results: The City Clerk has tabulated the ballots properly and legally submitted on the question of increasing the maximum assessment allowed in the Jackson Meadows #6 Subarea and determined that there is not a majority of the ballots submitted in support of an increase. Without a majority of voting property owners in support, the maximum assessment rate for the Jackson Meadows #6 Subarea of the District is not increased.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 5th day of February 2020 by the following vote:

AYES: **COUNCIL MEMBERS:**

NOES: **COUNCIL MEMBERS:**

ABSTAIN: **COUNCIL MEMBERS:**

ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

IRMA TORREZ, City Clerk

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-XXX, adopted by the City Council at the meeting held on the 5th day of February 2020.

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

DATE: _____

Irma Torrez, CITY CLERK

Attachment: Jackson Meadows #6 Resolution B [Revision 4] (2626 : Jackson Meadows #6 and Mill Creek Final Public Hearing)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL CERTIFYING THE RESULTS OF THE BALLOT TABULATION FOR THE ASSESSMENT BALLOT PROCEEDING TO SUBMIT TO THE QUALIFIED PROPERTY OWNERS THE QUESTION OF THE PROPOSED INCREASE IN THE MAXIMUM ASSESSMENT RATE FOR THE MILL CREEK SUBAREA OF LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NUMBER 1 BEGINNING JULY 1, 2020

The City Council of the City of Morgan Hill (hereafter referred to as the “City Council”) does resolve as follows:

WHEREAS, the City Council has previously formed Landscape Assessment District No. 1 (District), previously the Fox Hollow/Murphy Springs Landscape Assessment District, to levy and collect assessments pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* (hereafter referred to as the “Act”) that provides for the levy and collection of assessments by the County of Santa Clara for the City of Morgan Hill to pay the maintenance and services of all improvements and facilities related thereto;

WHEREAS, City representatives have attempted to meet with residents of the Mill Creek Subarea of Landscape Assessment District No. 1 which is experiencing significant funding issues for regular maintenance of the Subarea;

WHEREAS, the City Council adopted a Resolution of Intent on November 20th, 2019 approving a supplemental engineer’s report and initiating an assessment ballot proceeding on the question of increasing the maximum amount of the assessments in the Mill Creek Subarea;

WHEREAS, immediately thereafter, the City mailed a notice and ballot to all property owners within the Mill Creek Subarea; and

WHEREAS, the City Clerk has tabulated the ballots submitted in compliance with State law.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL, PURSUANT TO CHAPTER 2, SECTION 22587 OF THE ACT AND CALIFORNIA CONSTITUTIONAL ARTICLES XIII C AND XIII D, AS FOLLOWS:

Results: The City Clerk has tabulated the ballots properly and legally submitted on the question of increasing the maximum assessment allowed in the Mill Creek Subarea and determined that a majority of the property owners voting submitted ballots approving an increase in the assessment. With this majority in support, the maximum assessment rate for the Mill Creek Subarea of the District is increased beginning in the 2020-2021 Fiscal Year to \$285.

City of Morgan Hill
Resolution No.
Page 2 of 2

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 5th day of February 2020 by the following vote:

AYES: **COUNCIL MEMBERS:**

NOES: **COUNCIL MEMBERS:**

ABSTAIN: **COUNCIL MEMBERS:**

ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

IRMA TORREZ, City Clerk

∞ **CERTIFICATION** ∞

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-XXX, adopted by the City Council at the meeting held on the 5th day of February 2020.

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

DATE: _____

Irma Torrez, CITY CLERK

Attachment: Mill Creek Resolution A [Revision 4] (2626 : Jackson Meadows #6 and Mill Creek Final Public Hearing)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL CERTIFYING THE RESULTS OF THE BALLOT TABULATION FOR THE ASSESSMENT BALLOT PROCEEDING TO SUBMIT TO THE QUALIFIED PROPERTY OWNERS THE QUESTION OF THE PROPOSED INCREASE IN THE MAXIMUM ASSESSMENT RATE FOR THE MILL CREEK SUBAREA OF LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NUMBER 1 BEGINNING JULY 1, 2020

The City Council of the City of Morgan Hill (hereafter referred to as the “City Council”) does resolve as follows:

WHEREAS, the City Council has previously formed Landscape Assessment District No. 1 (District), previously the Fox Hollow/Murphy Springs Landscape Assessment District, to levy and collect assessments pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* (hereafter referred to as the “Act”) that provides for the levy and collection of assessments by the County of Santa Clara for the City of Morgan Hill to pay the maintenance and services of all improvements and facilities related thereto;

WHEREAS, City representatives have attempted to meet with residents of the Mill Creek Subarea of Landscape Assessment District No. 1 which is experiencing significant funding issues for regular maintenance of the Subarea;

WHEREAS, the City Council adopted a Resolution of Intent on November 20th, 2019 approving a supplemental engineer’s report and initiating an assessment ballot proceeding on the question of increasing the maximum amount of the assessments in the Mill Creek Subarea;

WHEREAS, immediately thereafter, the City mailed a notice and ballot to all property owners within the Mill Creek Subarea; and

WHEREAS, the City Clerk has tabulated the ballots submitted in compliance with State law.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL, PURSUANT TO CHAPTER 2, SECTION 22587 OF THE ACT AND CALIFORNIA CONSTITUTIONAL ARTICLES XIII C AND XIII D, AS FOLLOWS:

Results: The City Clerk has tabulated the ballots properly and legally submitted on the question of increasing the maximum assessment allowed in the Mill Creek Subarea and determined that there is not a majority of the ballots submitted in support of an increase. Without a majority of voting property owners in support, the maximum assessment rate for the Mill Creek Subarea of the District is not increased.

City of Morgan Hill
Resolution No.
Page 2 of 2

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 5th day of February 2020 by the following vote:

AYES: **COUNCIL MEMBERS:**

NOES: **COUNCIL MEMBERS:**

ABSTAIN: **COUNCIL MEMBERS:**

ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

IRMA TORREZ, City Clerk

∞ **CERTIFICATION** ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-XXX, adopted by the City Council at the meeting held on the 5th day of February 2020.

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

DATE: _____

Irma Torrez, CITY CLERK

Attachment: Mill Creek Resolution B [Revision 4] (2626 : Jackson Meadows #6 and Mill Creek Final Public Hearing)

Keri Russell

From: Keri Russell
Sent: Wednesday, November 20, 2019 4:21 PM
To: mhjllyle
Cc: Christina Turner
Subject: Re: Jackson 6 Subdivision assessment

Hi John,

Thank you for the pictures and feedback. I normally inspect the areas and if I recall after they cut that area back in the summer there was a small part left in the middle that wasn't fully cut. We had talked to the fire marshal about it and it was okay in terms of fire prevention. We will make sure to check the area again in person in the coming days.

As for the irrigation part of the reason that hasn't been fixed is that there aren't sufficient funds in Jackson 6 to make any repairs or to cover the cost of the water even being on. Until the subarea had the reserves to pay for any irrigation repairs the repairs will not be made as the weed abatement is priority.

And yes tonight's meeting there will be the opportunity to provide public comment. The meeting starts at 7pm in the Council Chambers at 17555 Peak Ave.

Thanks,
 Keri

From: mhjllyle <mhjllyle@yahoo.com>
Sent: Wednesday, November 20, 2019 3:56 PM
To: Keri Russell <Keri.Russell@morganhill.ca.gov>
Subject: RE: Jackson 6 Subdivision assessment

Hi Keri,

Many thanks for the information.

Do you know who in the city ensures that this work is even done? For the retention pond area, roughly 20% of the area was cleared at the beginning of the summer. No-one ever came back to finish it. And the part that was done isn't even by the home. And the irrigation pipes have been in need of repair for years.

I took the pictures below this morning and they clearly show that we're essentially paying for services that are not being provided.

I live 4 houses away from the retention pond and walk or drive by it just about every single day. So I know that the work is not being done.

This is a huge problem that has been ongoing for years.

Attachment: Supplemental - Jackson 6 Resident Email (2626 : Jackson Meadows #6 and Mill Creek Final Public Hearing)



I think this information should also be provided to the city council which is why I asked if the public can comment on the assessment increase proposal.

John

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Keri Russell <Keri.Russell@morganhill.ca.gov>

Date: 11/20/19 3:17 PM (GMT-08:00)

To: mhjllyle <mhjllyle@yahoo.com>

Subject: RE: Jackson 6 Subdivision assessment

Hi John,

This is much easier to explain in person as it is hard to cover every aspect via email. Tonight's meeting is simply for the Council to approve a Resolution of Intent to formally start the voting the process. The votes themselves won't be due and formally counted until February 5, 2020.

I have attached this years estimated budget for Jackson 6. There are 70 homes that make up Jackson 6 so the subarea brings in \$7,560 on an annual basis. There are the only funds that are used for the maintenance of Jackson 6. The main maintenance for Jackson 6 is the weed abatement for fire prevention along the channel and in the retention pond. In this years budget the channel fire prevention isn't included in the forecast which is at least an additional \$3,000 depending on how bids come back. That essentially means that if you include that cost the overall cost for the subarea is \$11,070.48 which is \$3,510.48 more than you bring in on an annual basis.

Over the last several years contract rates have gone up drastically due to prevailing wage and other state requirements that are put on local government.

Including in the overall numbers are Administrative Expenses which is a very small percentage of staff time to manage the contracts as well as the cost to produce the Landscape Assessment District report that we are required by law to do

annually. All of the administrative costs as split up amongst the subareas based on the number of houses that make up the subarea.

Raising the assessment to \$200 annually would allow us to cover the cost to properly maintain the subarea as well as have a small reserve. The reserve would help cover any increase costs as well as any necessary repairs we might need to eventually make to the fencing around the retention pond.

The other option would be to reduce services at Jackson 6 which would mean we are not cutting the weeds in the channel or retention pond thus putting homes more at risk for fire danger.

Again I would be happy to meet in person to better explain this and answer any questions you might have.

Thanks,
Keri

Keri Russell
Maintenance Coordinator

City of Morgan Hill
Community Services Department
100 Edes Court, Morgan Hill, CA 95037

P: 408.310.4057
keri.russell@morganhill.ca.gov
morganhill.ca.gov | [facebook](https://www.facebook.com/morganhillca) | [twitter](https://twitter.com/morganhillca)

From: mhjllyle <mhjllyle@yahoo.com>
Sent: Wednesday, November 20, 2019 3:00 PM
To: Keri Russell <Keri.Russell@morganhill.ca.gov>
Subject: FW: Jackson 6 Subdivision assessment

Sent from my Verizon, Samsung Galaxy smartphone

Subject: Jackson 6 Subdivision assessment

Hi Ms Russel,

My wife gave me the letter that came from the Morgan Hill Community Services Department regarding the proposed increase to the assessment that we're now paying for the maintenance of the 2 common areas in the Jackson 6 subdivision. This increase concerns me and the neighbors that I've talked to as well.

Can you please tell us how many homes are in the Jackson 6 subdivision that are paying the current \$108.10 assessment? I think Mira Bella has 75+

homes and Cantor would add more to that. If I used 80 homes in an example then we would currently be paying \$8648 dollars per year. The proposed increase would raise that to \$16000.

Can you please point me to something that documents what resources are being used in these two common areas that these assessments are paying for? And what the increase is needed for? We'd really like to understand what we're paying for and why the assessment is almost doubling.

We'd really like to make an informed decision on this issue when it comes to a vote.

Can citizens attend tonight's City Council and comment on the proposal that you're going to be presenting?

Thanks!

John

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WARNING: This message is from an external user. Confidential information such as social security numbers, credit card numbers, bank routing numbers, gift card numbers, wire transfer information and other personally identifiable information should not be transmitted to this user. For question, please contact the Morgan Hill IT Department by opening a new helpdesk request online or call 408-909-0055.



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2020

PREPARED BY: Margarita Balagso, Police Analyst
APPROVED BY: City Manager

RECEIVE LEGISLATIVE UPDATE FOR THE POLICE DEPARTMENT

RECOMMENDATION(S)

Accept report.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Preserving and Cultivating Public Trust

2019 Strategic Priorities

Community Engagement and Messaging

REPORT NARRATIVE:

During the last three years, several key legislative changes have occurred that impact law enforcement policy and procedures involving collecting stop data, releasing certain personnel investigations and modifying the authority of police to use force. The purpose of this report is to inform the Council about those changes and how the Police Department either has implemented or is preparing to implement the new legislation. Hyperlinks to the legislation are provided in the links section below.

AB 953 – Racial and Identity Profiling Act of 2015

The Racial and Identity Profiling Act (RIPA) was passed by the legislature and signed by Governor Brown in 2015. RIPA requires departments to collect data on the perceived ethnicity and gender identity of persons stopped by a Peace Officer. RIPA requires the collection of multiple data points to include the date and time of the stop, officers' actions, and search and seizure of any person or property. A stop is defined as "any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including consensual search of the person's body or property in the person's possession or control."

The implementation of RIPA is scheduled in four waves, based on # of officers employed by the agency. Wave 1 agencies began collecting data in July 2018 and the report for that data was released in 2020. Morgan Hill Police Department is a Wave 4 agency and must begin collecting data by January 1, 2022 and report data on or before April 1, 2023.

Once officers are familiar with the reporting requirements, Wave 1 agencies are reporting that the completion of each stop data form requires anywhere from 2-5 minutes to complete depending on the officer's action on the stop. In 2018, Morgan Hill Police Officers made approximately 15,000 stops. The completion of the RIPA forms is

estimated to require an average 875 hours of staff time to complete in addition to supervisory time to review the form to ensure compliance with the regulations.

SB1421 – Peace Officers: Release of Records

SB1421 was passed in 2018 and requires the release of police investigative records for sustained complaints of dishonesty and sexual assault and for any use of force resulting in death or great bodily injury or where a firearm was discharged at a person. The Police Department released limited information from a violation of dishonesty from 2011 in the first year of SB1421 disclosure.

AB392 and SB230 – Police Use of Force

In 2019, the legislature passed two bills related to police use of force, AB392 and SB230. AB 392 updated the law on police use of deadly force and incorporates the legal principles established by *Tennessee v Garner* and *Graham v Connor* which has been the standard in California law enforcement for a significant period of time. Deadly force may now only be applied when the officer determines the force is necessary from imminent deadly or serious bodily injury to self or others.

Additionally, officers shall employ de-escalation techniques and take into consideration the presence of mental illness where feasible.

Officers may use lethal force to apprehend a fleeing felon only when the subject committed a felony resulting in death or serious body injury and the officer reasonably believes that the subject will cause death or serious bodily injury unless immediately apprehended.

The second bill is a companion bill to AB392 and strengthens police policy and training in use of force and provides State funding.

COMMUNITY ENGAGEMENT: Inform

This report informs the community about new legislative requirements for the Police Department.

ALTERNATIVE ACTIONS: Not Applicable.

FISCAL AND RESOURCE IMPACT:

There are no immediate fiscal impacts from the proposed legislation.

The implementation of some of the enacted legislation will have significant resource impacts of time to complete the required documentation or release of information.

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.

LINKS/ATTACHMENTS:

1. AB 953

2. SB 1421
3. AB 392
4. SB 230



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2020

PREPARED BY: Hilary Holeman, Administrative Analyst

APPROVED BY: City Manager

UPDATES TO SUSTAINABLE MORGAN HILL, ONGOING PRIORITIES, AND 2020-21 STRATEGIC PRIORITIES

RECOMMENDATION(S)

Adopt updates to Sustainable Morgan Hill and ongoing priorities and establish the City Council's 2020-21 Strategic Priorities.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Protecting the Environment
Maintaining Fiscal Responsibility
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

2019 Strategic Priorities

Community Engagement and Messaging
Economic Development
Financial Stewardship
Infrastructure
Regional Initiatives
Telecommunications
Agricultural Preservation
Cannabis Policy
High Speed Rail
Homelessness
Housing
Traffic/Transportation

REPORT NARRATIVE:

On January 24 and 25, 2020, the City Council held its annual Goal Setting Workshop. The focus of the two-day discussion was on: a) City Council Policies, Procedures, and Protocols; b) Sustainable Morgan Hill; c) Fiscal Sustainability; and d) Engage Morgan Hill (Attachment 1).

The City Council discussed the current ongoing priorities and re-evaluated the strategic priorities to be more specific to the organization's focus over the next two years. The Council emphasized Fiscal Sustainability as the City's top priority and lens through which all priorities should be addressed.

After discussing progress on 2019 strategic priorities and assessing potential areas for the next two years, the City Council identified the following strategic priorities as the organization's focus in 2020-21:

- Fiscal Sustainability

- Community Engagement and Messaging
- Economic Development
- Housing and Homelessness
- Transportation

Council decided this year's list of Strategic Priorities should be more focused on short-term priorities and what can be accomplished in the upcoming year. Therefore, "Infrastructure" was moved from the list of Strategic Priorities to the list of ongoing priorities and titled "Maintaining Infrastructure." Last year's Strategic Priorities, High Speed Rail and Traffic, have now been moved under the heading of "Transportation" and will continue to be a top priority for the City's workplan. Telecommunications will be included in the Economic Development priority. The priority of Cannabis was removed as Council completed its policy considerations.

Attached to the staff report (Attachment 2) is the updated version of Sustainable Morgan Hill, the vision, ongoing priorities, and narrative descriptions of the 2020-21 strategic priorities.

During the workshop, Council also spent a considerable amount of time reviewing, discussing, validating, and committing to the City Council Norms established on January 26, 2019 (Attachment 3).

COMMUNITY ENGAGEMENT: Involve

The City Council Goal Setting Workshop was open to the public, broadcast live on the City's website and channel 17, and recorded for later viewing on the City's website.

ALTERNATIVE ACTIONS:

City Council could decide to make changes to Sustainable Morgan Hill, ongoing priorities, and the 2020-21 strategic priorities.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council reviews its goals and priorities each year in January and mid-year.

FISCAL AND RESOURCE IMPACT:

Updating Sustainable Morgan Hill, ongoing priorities, and the strategic priorities does not have an immediate fiscal or resource impact. As implementation moves forward, staff will convey to the Council the resources necessary to achieve the desired outcomes in each area.

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.

LINKS/ATTACHMENTS:

1. Goal Setting Workshop Agenda 2020
2. Sustainable Morgan Hill
3. City Council Norms



City Council Goal Setting Workshop

January 24 & 25, 2020 9:00 AM – 5:00 PM

ATTACHED MATERIALS:

- 1) PowerPoint Presentation
- 2) 2019 Accomplishments
- 3) After the Campaign is Over: Aim for Exceptional
- 4) How Effective City Councils Work Together
- 5) City Council Norms
- 6) City Council Policy 97-01 Rules for the Conduct of City Council Meetings
- 7) City Council Policy 96-01 Placement of Items on the Agenda and Matters to be Reconsidered by the City Council
- 8) City Council Policy 94-09 Proclamation Policy
- 9) City Council Policy 03-02 Ex Parte Contacts
- 10) Reso No. 6851 Authority to Take Legislative Positions
- 11) 2019-2020 Sustainable Morgan Hill
- 12) 2019-2020 Strategic Priorities Workplan
- 13) City Council Follow-Up/Future Business Items
- 14) Outline of SB 50 (Wiener) Planning and Zonings. Housing Development Incentives

FRIDAY, JANUARY 24, 2020

Time	Topic	Presenter
8:30 AM-9:00 AM	1. Arrival and Breakfast	
9:00 AM-10:00 AM	2. Welcome	
	2.1 Pledge of Allegiance	Mayor Constantine
	2.2 Welcome	Mayor Constantine & Christina Turner
	2.3 Introductions	Mayor Constantine
	2.4 City Council Team Building Exercise	Christina Turner
	2.5 Purpose of Goal Setting Workshop, Preview Agenda and Format	Christina Turner
	2.6 Review of 2019 Accomplishments	Leadership Team
	2.7 Public Comment	Mayor Constantine
10:00 AM-12:00 PM	3. City Council Policies, Procedures, & Protocols	

3.1 Summary of Council Member Interviews	Shawn Spano
3.2 City Council Norms	Spano/Turner
3.3 City Council Policy Considerations	Spano/Turner
3.3a 97-01 Rules for the Conduct of City Council Meetings	Spano/Turner
3.3b 96-01 Placement of Items on the Agenda & Matters to be Reconsidered by the Council	Spano/Turner
3.3c 94-09 Proclamation Policy	Spano/Turner
3.3d 03-02 Ex Parte Contacts/Quasi-Judicial Hearings	Don Larkin
3.3e Reso No.6851 Authority to Take Legislative Positions	Harjot Sangha

1:00 PM-5:00 PM **4. Sustainable Morgan Hill**

4.1 Review of Sustainable Morgan Hill 2019-2020	Christina Turner
4.2 Review of 2019-2020 Strategic Priorities Workplan	
• Agricultural Preservation • Cannabis Policy • Community Engagement & Messaging • Economic Development • Financial Stewardship	• High Speed Rail • Homelessness • Housing • Infrastructure • Telecommunications • Traffic/Transportation
4.3 Review of Council Follow-Up/Future Business Items	Christina Turner

SATURDAY, JANUARY 25, 2020

9:00 AM-10:30 AM **5. Fiscal Sustainability – Budget & Economic Development**

5.1 Budget Update	Christina Turner
5.2 Balancing Act	Harjot Sangha
5.3 Unfunded Liabilities and Needs	Christina Turner
5.4 Fire Standards of Coverage	Chief Jake Hess
5.5 Economic Development Update	Edith Ramirez

10:30 AM-12:00 PM **6. Engage Morgan Hill**

- | | |
|---|-------------------|
| 6.1 Community Advisory Group (CAG) Update | Maureen Tobin/CAG |
| 6.2 Discussion Engaging Larger Community | CAG |
| 6.3 CAG Recommendations | CAG |

1:00 PM-4:30 PM **7. Other Topics, Time Permitting**

- | | |
|--|---------------|
| 7.1 Agricultural Preservation | Chris Ghione |
| 7.2 Housing - Regional Housing Needs Allocation
(RHNA), SB 330 Implementation, Proposed SB 50 | Leslie Little |

4:30 PM-5:00 PM **8. Goal Setting Wrap-Up**

Mayor/Spano/Turner

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
- Maintaining 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

2020 Strategic Priorities

- **Fiscal Sustainability**
- Community Engagement and Messaging
- Economic Development
- Housing and Homelessness
- Transportation



2020-2021 STRATEGIC PRIORITIES

Fiscal Sustainability

The City will continue to be financial stewards of its resources and assets to ensure long-term fiscal sustainability. Through the upcoming biennial budget development process, the City will continue to control and/or reduce costs to achieve a structurally balanced budget, while maintaining adequate fund balance reserves. The City will evaluate its existing user fee schedules to ensure reasonable costs of providing services are appropriately assessed. The City will explore new or expand existing tax revenue sources, to address the City's unfunded needs and liabilities.

- Continue the Engage Morgan Hill efforts (conversation about services, funding and priorities)
- Consider a revenue measure in November 2020
- Employ a sustainable budget strategy and identify funding gap
- Define the funding plans for police and fire services, and the City's infrastructure needs

Community Engagement and Messaging

The City will continue to engage the community through the Engage Morgan Hill process. Engage Morgan Hill is a conversation about services, funding, and priorities. The focus of this process is both educating and engaging the community regarding what services the City provides, how the services are provided, and the funding sources/options for the services as we look toward the future. While educating the community, the City will provide opportunities for the community to be part of the decision-making process to ensure the City's fiscal sustainability in the future. The City will continue to nurture connections with all facets of our community, finding the best ways to outreach and share important community information.

- Continue to facilitate the Engage Morgan Hill process
- Continue to inform the community about significant development projects
- Provide outreach and engagement with the community on the 2020 United States Census
- Continue to find better ways to reach members of the community that do not speak English

Economic Development

The City's Economic Development efforts will focus on implementing the Economic Blueprint strategies and actions in the areas of healthcare, innovation, retail, and tourism, to help build long-term fiscal sustainability and improve quality of life for residents. This will be achieved by attracting jobs and commercial investment which generate revenues to support general City services, improving access to fast and reliable wireless connectivity, and increasing telecommunications infrastructure.

- Complete Request for Proposal (RFP) process and select provider for telecommunications services for City facilities
- Complete an Industrial Land Preservation Policy
- Complete a Retail Concentration Strategy
- Economic Development Outreach and Education/Awareness Campaign

Affordable Housing and Homelessness

Morgan Hill will continue to improve, preserve, and develop new safe, quality, rental and ownership housing for residents at all income levels. To the extent possible, the City will respond to and reconcile new housing initiatives and legislative mandates. The City will explore opportunities to respond to changes that are beneficial to the community as well as compliant with the law.

The City of Morgan Hill will collaborate with Santa Clara County and the City of Gilroy to continue to build a South County homeless response system that integrates County Safety Net Services and provides rapid response to people in need. The City will continue to employ a balanced approach, offering resources and referrals to services, partnering with the faith-based community and non-profits to create appropriate local service points, while also utilizing code compliance to protect private and public property.

- In preparation for the Statewide 6th Housing Cycle, update the Housing Element of the General Plan to respond to new production mandates. The City will actively participate in the development of formula and allocations of "fair share" housing unit assignments
- Engage the community in decisions about where to locate new housing density requirements and necessary on-going changes to objective design criteria which guide quality development
- Continue to respond to the new and proposed housing legislative and policy matters to the benefit of the community
- Respond to the Governor's 2020 Homelessness initiatives by advocating for direct local dollars and direct access to funding for communities of less than 50,000 population
- Seek out partnerships with non-profit housing developers to create new housing opportunities directly aligned with the City's "fair share" Regional Housing Needs Allocation (RHNA)
- Work with the non-profit owner of affordable units to rehabilitate and extend the life of vital housing supplies at Depot Commons, the Willows, Skeels Hotel, and Villa Ciolino

Transportation

The City has clearly identified traffic and transportation issues facing Morgan Hill as regional in nature. Morgan Hill will partner with the City of Gilroy to advocate for improvements and funding for the South Santa Clara County Transportation Corridor. The City will actively advocate on regional transportation planning issues. Locally, the City will prioritize funding for Vision Zero safety strategies over congestion management. The City will take actions to implement its goal to create a culture that prioritizes safety, creates livable streets, and seeks to eliminate traffic fatalities. Safety of pedestrians, bicyclists, drivers, and passengers is paramount.

- Respond to the Environmental Impact Report on the High-Speed Rail Authority's (HSRA) preferred alternative
- Continue efforts on Hale Avenue extension
- Advocacy will include:
 - o Working with the Valley Transportation Authority (VTA), Caltrain, the County, the HSRA and the State to enhance service, secure funding for transportation projects and road maintenance, and protect the community from negative impacts of regional projects
 - o Expansion of Highway 101 between Morgan Hill and Gilroy
 - o Electrification of commuter rail from San Francisco to Gilroy
 - o Funding for priority projects in the South County



City Council Norms

Established January 26, 2019

- ❖ Be respectful of each other
- ❖ Address issue, not person
- ❖ Be honest and real
- ❖ “Clear air” if needed; have hard discussions
- ❖ Listen to each other
- ❖ Be aware of how we represent the City as leaders in the community
- ❖ Be accurate in statements
- ❖ Be open minded; avoid concluding on your position prior to an item being heard
- ❖ Recognize that experience comes in diverse ways
- ❖ Be mindful of time
- ❖ Keep decorum of meeting throughout
- ❖ No side conversations
- ❖ Come prepared
- ❖ Give enough time to discuss issues
- ❖ Ok to ask City Council to continue an item if not ready
- ❖ Don’t be repetitive on requests and comments
- ❖ Wait to be recognized before speaking
- ❖ Keep the order of meetings (questions, public comment, and then discussion)
- ❖ Provide early notice of request for alternates to attend outside appointment meetings
- ❖ Speak into the microphone
- ❖ Cell phones silenced
- ❖ Be punctual
- ❖ Send questions in advance of meeting; let City Manager know if you plan to pull a consent item
- ❖ Be engaged
- ❖ Be concise



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2020

PREPARED BY: Michelle Bigelow, Deputy City Clerk
APPROVED BY: City Manager

APPROVE UPDATED CITY COUNCIL POLICIES: 97-01 RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS, PLACEMENT OF ITEMS ON THE AGENDA, AND MATTERS TO BE RECONSIDERED, 99-01 SELECTION OF MAYOR PRO TEMPORE, 94-09 PROCLAMATION/RECOGNITION POLICY, AND ADOPT UPDATED RESOLUTION AUTHORIZING MAYOR AND/OR CITY MANAGER TO PREPARE, EXECUTE, AND TRANSMIT COMMUNICATIONS INDICATING A POSITION ON PROPOSED STATE, COUNTY, OR REGIONAL BOARDS' LEGISLATION OR ACTION THAT MAY HAVE AN IMPACT UPON THE CITY

RECOMMENDATION(S)

1. Approve updated City Council Policies: 97-01 Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered, 99-01 Selection of Mayor Pro Tempore, and 94-09 Proclamation/Recognition Policy; and
2. Approve updated resolution authorizing the Mayor and/or City Manager to prepare, execute, and transmit communications indicating a position on proposed State, County, or regional boards' legislation or action on certain matters that may have impacts upon the City in certain circumstances and directing a report back to City Council on any such communications transmitted.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility
Supporting Our Youth
Seniors
and Entire Community
Fostering a Positive Organizational Culture
Preserving and Cultivating Public Trust
Enhancing Diversity and Inclusiveness

2019 Strategic Priorities

Community Engagement and Messaging

REPORT NARRATIVE:

At the City Council's Annual Goal Setting Workshop in January, the Council reviewed and provided feedback and edits on Council Policies 97-01 Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered by the City Council and 94-09 Proclamation/Recognition Policy. One of

the changes made to Council Policy 97-01 was to incorporate the language from Council Policy 96-01 Placement of Items on the Agenda and Matters to be Reconsidered by the City Council. These changes rescind and replace Council Policy 96-01. In addition to the feedback received from the Council, staff has reviewed the policies to ensure that they are in conformance with current practices and applicable law. The edits to both policies have been incorporated into the attached policies. Staff has also updated Council Policy 99-01 Selection of Mayor Pro Tempore to update when the Mayor Pro Tempore appointments are made on non-election years for reference.

Occasionally, situations arise where the City is requested, or when it is in the best interest of the City, to communicate the City's position on pending State, County or other regional boards' legislation or actions, indicating support or opposition. At times these requests or communications occur within a timeframe that have deadlines occurring prior to the next scheduled meeting of the City Council, as a whole, at which the City Council could consider and determine the City's position on such legislation or actions. As a result, in 2014, the Council adopted a resolution which authorized the Mayor and/or City Manager to prepare, execute and transmit written or verbal communications indicating a City position. However, the resolution was limited to pending State of California legislation only. More recently, it has become imperative that legislations or actions of the County Board of Supervisors or other regional boards may impact the City in fulfilling the City Council's adopted priorities, goals, or strategies in a substantial manner. Therefore, staff has revised the resolution to broaden the scope to include County and other regional boards, in addition to State legislation or actions. The Mayor and/or City Manager are required to provide a written report to the City Council for the Council's comment and acceptance at the City Council's next possible meeting, anytime such communication is prepared and executed.

COMMUNITY ENGAGEMENT: Inform

This report services to inform the community of the proposed changes to three City Council policies and the resolution regarding the Mayor and City Manager's authority to prepare and transmit position letters.

ALTERNATIVE ACTIONS:

The City Council may decide to make different and/or additional changes to the policies or resolution.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Policies 97-01 and 94-09 and the resolution were reviewed at the City Council's Annual Goal Setting Workshop in January 2020.

FISCAL AND RESOURCE IMPACT:

No fiscal impacts are anticipated by approving these policies and adopting the resolution. Periodic review of policies is part of the City Manager's and City Council's annual workplan.

CEQA (California Environmental Quality Act):

This action is not a project because it is an administrative activity of government that will not result in direct or indirect changes to the environment.

LINKS/ATTACHMENTS:

1. CP-97-01 CC Procedures-Protocols
2. CP-99-01 Selection of Mayor Pro Tem
3. CP-94-09 Proclamation Policy
4. CP-96-01 Placing items on City Council agenda
5. Resolution Authorizing Letters of Position on Pending Legislation

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP-97-01

SUBJECT: RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS, PLACEMENT OF ITEMS ON THE AGENDA, AND MATTERS TO BE RECONSIDERED

EFFECTIVE DATE: May 7, 1997

REVISED DATE(S): July 25, 2018, February 5, 2020

ORIGINATING DEPARTMENT: CITY MANAGER

SECTION 1 - SCOPE

- 1.1** These rules shall establish the procedures for the conduct of all meetings of the City Council of the City of Morgan Hill. The purpose of these rules is to provide procedures consistent with the Ralph M. Brown Act, establish procedures which will be convenient for the public, be fair to all members of the City Council, and contribute to the orderly conduct of City business.

SECTION 2 - MEETINGS

- 2.1** Open to Public: All meetings of the City Council, whether regular or special, shall be open to the public, unless a closed session is scheduled as authorized by law.

- 2.2** Regular Meetings: The City Council shall conduct its regular meetings at the time and place established by ordinance, if specified in the ordinance or resolution.

- 2.3** Review Status of Agenda at 10:00 p.m.: The City Council may review the agenda at 10:00 p.m. to determine if it will be able to conclude its business by 11:00 p.m. If, at 11:00 p.m., the City Council has not concluded its business, before continuing the meeting it shall review and discuss the status of the remaining agenda items and determine by majority vote whether to continue any remaining items to a future regular or special meeting, adjourn the meeting to another date and time, or extend the meeting beyond 11:00 p.m. as needed.

- 2.2.2.4** Special Meetings/Workshops: A special meeting and/or workshop may be called at any time by the Mayor or Presiding Officer of the City Council or by three members of the City Council. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be made in accordance with the law.

- 2.3.2.5** Closed Sessions: The City Council may hold closed sessions during a regular or special meeting, or at any time authorized by law, to consider or hear any matter which is authorized by law. At times, Closed Sessions may have to be held in an order different than presented due to the timeliness of the matter, to save the City money when an outside attorney has been retained or due to the need for extra time to discuss and deliberate an important closed session item. Closed session items may be continued to the conclusion of the agenda.

2-42.6 Quorum: Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three Council members appear at a regular meeting, the Mayor, Mayor Pro Tempore in the absence of the Mayor, any member of the City Council, or in the absence of all Council members, the City Clerk or Deputy City Clerk shall adjourn the meeting to a stated day and hour.

2-52.7 Adjourned Meetings: The City Council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment and permitted by law.

SECTION 3 - POSTING NOTICE AND AGENDA

3.1 Posting of Notice and Agenda: For every regular or special meeting, the City Clerk or other authorized person, shall post a notice of the meeting specifying the time and place at which the meeting will be held and an agenda containing a brief description of all items of business to be discussed at the meeting. The notice and agenda may be combined in a single document.

- a. Posting for Regular Meetings: For any regular meeting of the City Council, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting consistent with all Brown Act requirements.
- b. Posting for Special Meetings: For any special meetings of the City Council, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time set for the meeting consistent with all Brown Act requirements.

3.2 Location of Posting: The notice and agenda shall be posted on the City's website and in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted materials.

3.3 Availability of the Agenda to the Public: The agenda for any regular or special meeting shall be made available to the public as soon as is practical after delivery to the members of the City Council.

SECTION 4 - AGENDA CONTENTS

4.1 Description of Matters: All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description of the item and the proposed action to be considered should be set forth as clearly as practical so that members of the public will know the nature of the action under review and consideration.

4.14.2 Placement of items on the agenda: ~~The Mayor, City Manager, or City Attorney may place items on the agenda. Members of the City Council may identify-request items to be added to an upcoming City Council agenda by requesting an item during the future agendas at the end of each Council meeting under the section titled, "Future Council Initiated Agenda Items;" Section of the agenda. Before beginning substantive work on an item raised under Future Council Initiated Agenda Items, staff will evaluate the staff time involved and bring a report back to the City Council. A majority of the City Council must decide to move forward with the item, if the item will require more than two hours of staff time. A City Council verbal report will then be placed on an upcoming agenda for Council discussion~~

and consideration.

4.24.3 Limitation to Act on Only Items on the Agenda: No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

- a. Upon a majority determination that an "emergency situation" (as defined by State Law) exists; and
- b. Upon a determination by a 4/5 vote of the City Council that there is a need to take immediate action and that the need to take the action came to the attention of City officials subsequent to posting of the agenda.

4.34.4 Change in Order of Business: The Mayor or Presiding Officer may decide to take matters listed on the agenda out of the prescribed order unless a majority of members present object to this variation.

4.44.5 City Council Reports: On an alternating basis, at each Council meeting a Council Member has the opportunity to share with the Council and community any pertinent updates or information in regard to their appointments to outside agencies, upcoming events, or relevant City business. These are non-action items.

4.54.6 City Manager Report: These are updates on current City activities, reports on issues raised at previous Council meetings, or recognitions. These are non-action items.

4.7 City Attorney Report: These are updates on current City activities, reports on issues raised at previous Council meetings, or reportable actions of the City Council in Closed Sessions and/or current litigation. These are non-action items.

4.64.8 Other Reports: These are pertinent updates or information on upcoming activities or events relevant to City business. These are non-action items.

4.74.9 Public Comment for items not on the agenda: This refers to those matters not scheduled on the agenda where a member of the public wants to address a matter of importance to the City Council. Since the matter is not on the agenda, no action by Council can be taken. If a member of Council so desires, the matter can be placed on the agenda of a future Council meeting for review and consideration.

4.84.10 Consent Calendar: These are items of a routine or generally uncontested nature. Any member of the Council or member of the public may request to have an item pulled from the consent calendar and acted on individually by the Council. Items pulled will be discussed after action is taken on the balance of the consent calendar. The Mayor shall decide if the items are heard before or after moving on to public hearing and other business items.

4.94.11 Public Hearings: These are matters that are duly noticed and published in a newspaper of general circulation and where required by law, written notice is given to the affected residents who have the opportunity to speak in favor or against a matter or ask questions about the matter.

4.104.12 Other Business: These are other matters of City business which are not appropriately placed on the consent calendar and do not require published notices and require Council action and direction.

4.114.13 Future Business: These are items that members of the City Council wish to discuss to potentially take action on or have placed on future agendas.

SECTION 5. ORDER OF BUSINESS

5.1 The order of business at meetings of the City Council shall be as follows:

- a.** CALL TO ORDER
- b.** ROLL CALL ATTENDANCE
- c.** DECLARATION OF POSTING AGENDA
- d.** WORKSHOP (if needed; 5:00-6:00 p.m., or as deemed appropriate)
- e.** CLOSED SESSION (if needed; 6:00-7:00 p.m., or as deemed appropriate)
- f.** SILENT INVOCATION
- g.** PLEDGE OF ALLEGIANCE
- h.** PRESENTATIONS
- i.** PROCLAMATIONS
- j.** RECOGNITIONS
- k.** CITY COUNCIL REPORTS
- l.** CITY MANAGER'S REPORT
- m.** CITY ATTORNEY'S REPORT
- n.** OTHER REPORTS
- o.** PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA
- p.** ADOPTION OF AGENDA
- q.** CONSENT CALENDAR
- r.** PUBLIC HEARINGS
- s.** OTHER BUSINESS
- t.** FUTURE COUNCIL INITIATED AGENDA ITEMS
- u.** CLOSED SESSION
- v.** ADJOURNMENT

SECTION 6. PUBLIC COMMENT

6.1 Public Comment: Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. In addition, comments may be offered on items not on the agenda under that portion of the agenda. In accordance with State law, matters not scheduled on the agenda cannot be acted upon by the City Council, but items raised by the public during public comment may be referred to a future City Council agenda at the request of the Mayor or City Council.

6.2 Limitations: The public comment period may be 3 minutes for items on the agenda or items not listed on the agenda. Speakers are called in the order the speaker cards are submitted. Project applicants or appellants will be allowed more than the designated 3 minutes in accordance with City Council Policy 03-01. Consistent with this policy, the Mayor or Presiding Officer may recall an applicant or appellant to address questions after the public comment is heard. In addition, applicants will be given time at the end of the public hearing to address any questions or comments.

The Mayor or Presiding Officer may allow speakers who wish to speak under public comment for items not on the agenda to concede a portion of their time, specifically, one speaker may concede a portion of their time to one other speaker. For all other business items, the Mayor or Presiding Officer may allow speakers more time and/or allow speakers to concede a portion of their time to a designated speaker of a group unless a majority of the City Council objects. Speakers that wish to designate a group speaker shall notify the City Clerk before discussion on the item begins.

6.3 Procedure: To address the City Council, each speaker is requested to fill out a Speaker Card and turn it in to the City Clerk before discussion on the agenda item begins. The speaker is requested to provide their name, contact information, and the subject (s) upon which the speaker wishes to address the City Council. Speakers who do not wish to provide their name should provide an alternative designation so that they can be called to speak by the City Clerk.

SECTION 7. PROCEDURES FOR THE CONDUCT OF MEETINGS

7.1 Role of the Mayor/Presiding Officer:

- a. The Presiding Officer of the City Council, who shall be the Mayor or in the Mayor's absence shall be the Mayor Pro Tempore, or in their absence any other designated member of the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed. The Presiding Officer shall maintain control of communication between Council Members and between the Council, staff, and public.
- b. Communication with Council Members
 1. Council Members should request the floor from the Presiding Officer before speaking.
 2. When one member of the Council has the floor and is speaking, other Council Members shall not interrupt or otherwise disturb the speaker.
 3. With the concurrence of the Mayor, a Council Member holding the floor may

address a question to another Council Member. The Council Member being questioned may or may not respond while the floor is still held by the Council Member asking the question. The reply shall be limited to the question asked.

- c. The Mayor or Presiding Officer may declare that an item within the meeting will be conducted in “workshop” format, which means that the procedures described in section 7.1B do not strictly apply. This is to allow for a more open discussion without strict formalities. The Mayor or Presiding Officer may end the workshop format for the item at his/her discretion.
 - d. Communication with Members of the Public Addressing the Council
 - 1. The Mayor or Presiding Officer shall open the floor for public testimony as appropriate.
 - 2. After a witness or subject matter expert has addressed the City Council during public comment, Council members may only ask questions of witnesses or subject matter experts. Such questions should be directed to the person through the Presiding Officer unless the Presiding Officer grants the Council Member permission to directly question the person.
 - 3. Staff members, through the City Manager, shall be a resource to the City Council to answer questions arising during discussions between Council Members and between Council Members and members of the public. Communications in this regard shall be through the Presiding Officer.
 - 4. Members of the public shall direct their questions and comments through the Presiding Officer.
- 7.2 Rules of Order: The City Council adopts no specific rules of order except those listed herein. The City Council shall refer to The Standard Code of Parliamentary Procedure by Alice Sturgis (McGraw Hill) as a guide for the conduct of meetings. The Sturgis guideline regarding not requiring seconds for governmental bodies' motions, resolutions or ordinances is not adopted as the rule in the City. The Mayor or Presiding Officer has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Council members present.
- 7.3 Motions: The Mayor or any member of the City Council may bring a matter of business on the agenda before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for full debate offering the first opportunity to debate to the moving party and, thereafter, to any Council Member recognized by the Mayor or Presiding Officer. Debate shall be closed upon consent of a majority of the Council.
- 7.4 Reconsideration: Immediately after a vote on a matter, any member of the City Council may request to have his/her vote changed on a matter before the Council moves on to the next item. Such a request will be granted by the Mayor or Presiding Officer unless a majority of the Council objects.

A matter may be reconsidered by the City Council if a member on the prevailing side of the

vote requests reconsideration. Such a motion may be made at a meeting where such action is taken or at a subsequent meeting of the Council, however, nothing in this policy precludes the majority of members of the City Council from requesting reconsideration of any item.

7.5 Debate:

- a. The discussions and deliberations at meetings of the City Council are to secure the informed judgement of Council members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

Debate is regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

- b. Obtaining the Floor for Debate:

As soon as a debatable motion has been stated to the Council by the Mayor or Presiding Officer, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor or Presiding Officer. A member who has been recognized is entitled to be heard so long as he/she observes the rules of debate.

- c. Speaking More Than Once:

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council member has already spoken and other members wish to speak, the latter members should be recognized in preference to the member who has already spoken. However, if no other members seek recognition, the Mayor or Presiding Officer may recognize the member who has already spoken.

- d. Relevancy of Debate:

All discussion must be relevant to the motion before the City Council. A member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. The Mayor or Presiding Officer should then direct the speaker to limit discussion to the question before the City Council.

A motion-its nature or consequences-may be attacked vigorously. But it is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor or Presiding Officer instantly to stop any member who engages in personal attacks. It is the motion, not its proposer, that is the subject of debate. Meetings must discuss measures and ideas, not people.

Arguments, for or against a measure, should be stated as concisely as possible.

Debate must be fundamentally impersonal. All discussion is addressed to the Mayor or Presiding Officer and must never be directed to any individual.

- e. Mayor's Duties During Debate:

The Mayor or Presiding Officer has the responsibility of controlling and expediting debate. A Council member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor or Presiding Officer to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

SECTION 8. DECORUM

- 8.1 Council Members:** Members of the City Council value and recognize the importance of the trust invested to them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council.
- 8.2 City Employees:** Members of City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Council Members and members of the public.
- 8.3 Public:** Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.
- 8.4 Noise in the Chambers:** Noise emanating from the audience within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted.
- 8.5 Sergeant-at-Arms:** The Chief of Police, or his/her designated representative shall be ex-officio Sergeant-at-Arms of the City Council.

SECTION 9. VIOLATIONS OF PROCEDURES

- 9.1** Nothing in these policies and procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This policy shall remain in effect until modified by the City Council.

APPROVED:

STEVE TATERICH
CONSTANTINE, MAYOR

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP 99-01

SUBJECT: SELECTION OF MAYOR PRO TEMPORE

EFFECTIVE DATE: December 17, 1999

REVISED DATE(S): December 19, 2016, February 5, 2020

ORIGINATING DEPARTMENT: CITY MANAGER

It is the policy of the City Council of the City of Morgan Hill to annually nominate and select a member to serve as Mayor Pro Tempore for a one year term. The Mayor or any member of the City Council may nominate a member, who shall be selected by majority vote.

In order to provide every member with an opportunity to serve as Mayor Pro Tempore, it is the policy of the City Council that nominations be made on the basis of the length of time that a nominee has served on the City Council, and whether or not the nominee has previously had the opportunity to serve. However, these factors are not binding, and every member is eligible to serve as Mayor Pro Tempore. If more than one individual is nominated, the first person to receive a majority of the votes shall be selected to serve.

Selection of Mayor Pro Tempore ~~shall occur~~ will take place at the first regular meeting of the City Council held after the general municipal election, and after the new members have been sworn in and have taken their seats; or at the ~~second~~ first regular meeting in ~~November~~ December in each year that a general municipal election is not held.

The Mayor Pro Tempore shall serve at the pleasure of the City Council and may be removed from the appointed position by a majority vote of the Council. The City Council shall fill all vacancies for Mayor Pro Tempore in accordance with the selection procedure set forth herein.

This policy shall remain in effect until modified by the City Council.

APPROVED:

RICH CONSTANTINE, MAYOR

Attachment: CP-99-01 Selection of Mayor Pro Tem [Revision 1] (2638 : Council Policy Revisions)

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP-94-09

SUBJECT: PROCLAMATION/RECOGNITION POLICY

EFFECTIVE DATE: JUNE 15, 1994

REVISED DATE: February 5, 2020

ORIGINATING DEPARTMENT: CITY MANAGER

1. ~~Procedures for p~~Proclamations or Recognitions to be presented at a City Council meeting:
 - a. ~~Requests from Council members or community for proclamations or recognitions shall be submitted to the Mayor and City Manager for approval ten (10) days prior to the Council meeting~~
 - a. The subject is relevant to the ~~citizens~~ City of Morgan Hill ~~community~~
 - b.
 - ~~b.c.~~ The person or group ~~requesting the proclamation or recognition, or the person being recognized~~ is a member of the City of Morgan Hill community
 - ~~c.d.~~ The requesting group will have a representative at the City Council meeting to receive the proclamation ~~or recognition~~ from the Mayor or Mayor Pro Tem ~~in the Mayor's absence~~
 - d. ~~Requests shall be received 10 days prior to meeting~~
2. ~~Procedures for p~~Proclamations or Recognitions ~~requested without~~not to be ~~presented ation~~es at a City Council meeting:
 - a. ~~Requests from Council members or community for proclamations or recognitions shall be submitted to the Mayor and City Manager for approval ten (10) days prior to the requested receipt date~~
 - a. The request will be granted ~~unless it is a religious or political issue~~
 - b. ~~at the Mayor's discretion~~
 - b. Proclamation ~~or recognition~~ will be signed by the Mayor ~~or Mayor Pro Tem in the Mayor's absence~~only
 - c.
 - d. Proclamation ~~or recognition~~ will be mailed ~~or picked up by requester~~
 - a. ~~Requests shall be received 10 days prior to requested receipt~~
3. ~~Procedures for p~~Proclamations or Recognitions ~~requested by the Mayor or City Council Member~~ to be ~~personally~~ presented at an event:
 - a. ~~Requests from Council members or community for proclamations or recognitions shall be submitted to the Mayor and City Manager for approval ten (10) days prior to the event~~

- a. The request will be granted ~~unless it is a religious or political issue~~ at the Mayor's discretion
- b.
- b.c. Proclamation or recognition will be signed by the Mayor or Mayor Pro Tem in the Mayor's absence
- a. Proclamation or recognition will be presented by the Mayor, ~~/~~ Council Member, or teammate attending the event

This policy shall remain in effect until modified by the City Council.

APPROVED:

~~STEVE~~ ~~TATERICH~~
CONSTANTINE, MAYOR

THIS POLICY IS RESCINDED AND REPLACED BY COUNCIL POLICY 97-01

CITY OF MORGAN HILL CITY COUNCIL POLICIES AND PROCEDURES

CP-96-01

**SUBJECT: PLACEMENT OF ITEMS ON THE AGENDA AND
MATTERS TO BE RECONSIDERED BY THE CITY
COUNCIL**

EFFECTIVE DATE: July 17, 1996

REVISED DATE: June 27, 2007; July 25, 2018

ORIGINATING DEPT: City Manager

1. Members of the City Council and City Manager may place items on the agenda.
2. Reconsideration – Under City Council Policy 97-01, a matter may be reconsidered by the City Council if a member on the prevailing side of the vote requests reconsideration. Such a motion may be made at a meeting where such action is taken or at a subsequent meeting of the Council.
3. Items raised by the public during public comment may be referred to a future City Council agenda for formal action. In accordance with State law, matters not scheduled on the agenda cannot be acted upon by the City Council, but a member of Council may request consideration of the item at a future meeting.
4. Members of the City Council may identify items to be added to future agendas at the end of each Council meeting under the section titled, "Future Council Initiated Agenda Items." Before beginning substantive work on an item raised under Future Council Initiated Agenda Items, staff will evaluate the staff-time involved and bring a report back to the City Council. A majority of the City Council must decide to move forward with the item, if the item will require more than two hours of staff time.

This policy shall remain in effect until modified by the City Council.

APPROVED:

STEVE TATE, MAYOR

Attachment: CP-96-01 Placing items on City Council agenda (2638 : Council Policy Revisions)

RESOLUTION NO. ~~6851~~

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AUTHORIZING THE MAYOR OR CITY MANAGER TO PREPARE, EXECUTE AND TRANSMIT COMMUNICATIONS INDICATING A POSITION ON PROPOSED STATE, COUNTY, OR OTHER REGIONAL BOARDS' LEGISLATION OR ACTION ON CERTAIN MATTERS THAT MAY HAVE IMPACTS UPON THE CITY IN CERTAIN CIRCUMSTANCES AND DIRECTING A REPORT BACK TO CITY COUNCIL ON ANY SUCH COMMUNICATIONS TRANSMITTED. (THIS RESOLUTION RESCINDS RESOLUTION NO. 6851)

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"), is authorized to indicate City's position on proposed legislation of the State of California and is sometimes requested to so indicate City's position on such legislation for the benefit of the City; and

WHEREAS, the reasons supporting the adoption of this Resolution are set forth in detail in that certain City Council Staff Report ~~entitled "City Position on Pending State Legislation"~~ submitted for City Council consideration at its meeting of ~~April 16, 2014~~ February 5, 2020, submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; 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 meeting 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 activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; 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 prefers, whenever possible, that determinations on whether to take a position on pending State, County, or other regional boards' legislation or action be brought before the City Council as a whole for consideration and action. However, the City Council recognizes that occasional, limited situations arise where communications indicating support or opposition on pending State, County, or other regional boards' legislation or action that could be important to City are requested from cities within timeframes that have deadlines occurring prior to the next scheduled meeting of the City Council as a whole at which the City Council could consider and determine City's position on such pending legislation. For these reasons, the City Council does further resolve, order and/or direct as follows:

- a. That the Mayor and/or the City Manager is delegated authority to and is authorized to prepare, execute and transmit written or verbal communications indicating a City position on proposed pending State, County or other regional boards' legislation or action that may have impacts upon City when ~~all~~ any of the following criteria are met:
 - i. The League of California Cities, or a successor or similar organization, has requested City comment or position on a piece of pending ~~State~~ legislation or action, or the City has otherwise become aware of such pending ~~State~~ legislation or action; ~~and~~
 - ii. A public hearing and an opportunity for City to comment or take a position upon such pending ~~State~~ legislation or action is occurring in a timeframe and with a deadline to comment or express a position that occurs prior to the next scheduled meeting of the City Council at which the City Council could consider and determine City's comment or position on such pending ~~State~~ legislation or action; ~~or and~~
 - iii. The pending ~~State~~ legislation or action clearly supports or clearly hinders the implementation or fulfillment of an adopted City Council Priority, Goal or Strategy in a substantial manner such that it is in the best interests of City to indicate its comment or position on such pending ~~State~~ legislation or action.
- b. That the Mayor and/or City Manager is hereby directed to provide a written report to the City Council for the Council's comment and acceptance at the City Council's next possible meeting whenever the Mayor or City Manager prepares, executes and transmits a communication indicating a comment or position on pending ~~State~~ legislation or action pursuant to the authority delegated under this Resolution, which report shall include a copy of such pending ~~State~~ legislation or action, and the comment or position transmitted.

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 ~~16th~~^{5th} day of ~~April~~^{February}, 20~~20~~¹⁴ by the following vote:

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

ATTEST:

IRMA TORREZ
City Clerk

RICH CONSTANTINE, Mayor

∞ CERTIFICATION ∞

I, Irma Torrez, 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 ~~April 16, 2014~~^{February 5, 2020}.

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

DATE: _____

Irma Torrez, CITY CLERK



City Council Meeting Agenda Item #: 11 Legislative Update for the Police Department



Background



- Changes to the policing landscape
 - AB109
 - Proposition 47
 - Proposition 57
 - Body-worn cameras (BWC)
- Recent Legislative Changes – not everything
 - Collection of Police Stop Data
 - Release of Police Personnel Records
 - Use of Force
 - Use of Facial Recognition from BWC video is banned by law enforcement

AB 953 – Collection of Stop Data



- Passed in 2015 as The Racial and Identity Profiling Act
- Requires officers to record their perception of persons stopped
 - Ethnicity and Gender Identity
- Implementation in four waves
- Most agencies, including Morgan Hill, start January 1, 2022
- Legislation also reviews training, policy, and civilian complaints

SB 1421 – Release of Police Personnel Records



- SB1421 was passed in 2018
- Previously, police personnel records were confidential
- Requires the release of personnel and investigative records when:
 - Officer discharges firearm at a person
 - Subject sustains great bodily injury from a Police Officer use of force
 - Sustained findings for allegations of dishonesty or sexual assault
- Records include all investigative files, video, findings, notices of discipline, and final notices
- BWC video is included

AB 392 – Police Deadly Force



- Allows for use of deadly force by officer when necessary to prevent death or serious bodily injury of officer or another
- “Necessary” is determined by a reasonable officer without the benefit of 20/20 hindsight
- Requires officers to de-escalate or create distance when possible
- Officers should differentiate response for those with mental illness
- Officers’ pre-shooting conduct can be reviewed to determine if it contributed to use of force

SB 230 – Police Use of Force (UOF)



- Requires policy adoption on police use of force to include de-escalation when feasible and review of UOF incidents
- Identifies 20 individual items for UOF policy by Jan 1, 2021
- MHPD subscribes to Lexipol for policy development
- Requires POST to develop a training course for UOF with 14 different topic areas

Discussion and Next Steps



Item # 11

AGENDA DATE: 02/05/2020

SUPPLEMENT # 1

From: [D. Muirhead](#)
To: [Michelle Bigelow](#); [Angie Gonzalez](#)
Subject: Comment Morgan Hill City Council Meeting: February 5, 2020 Item #11: MHPD Legislative update
Date: Monday, February 3, 2020 10:51:12 AM

Comments for:

Morgan Hill City Council

Meeting: February 5, 2020

Item #11: Legislative update for Police Department

Dear Morgan Hill City Council,

I hope this becomes a Department standard, where we hear about new policy development in advance of the introduction of the new policy.

This would have been an excellent opportunity to have the Department describe how they have developed policy in the past, how they will do so in the future, and how they will inform and even involve the community as they progress down their timeline.

1) How was policy developed in the past

The Copyright on the current MHPD Policy Manual reads:

Copyright Lexipol, LLC 2019/12/10, All Rights Reserved.

Published with permission by Morgan Hill Police Department

Since I have never seen an item before Council approving a contract with Lexipol, I do not know how the manual is created. Does Lexipol have boilerplate and just does a global Find/Replace, substituting "Morgan Hill" for "<Your City Name>"?

2) How will policy be developed in the future

Now that we know that specific policies need to be developed and some of the timing/staging issues, what process will the Department follow? For comparison, you may remember that the original Strategic Plan included open public meetings, while the revised one was done through social media with little public awareness.

The Department has the option, where appropriate, to seek public input when developing a policy or at least a "sunshine" review prior to implementation.

3) How will the community be kept aware

In the Bad Old Days, the Policy Manual was not publicly available, although a guess at a policy topic would be responded to through a Public Records Request. When State law required the public be informed (as was the case with ALPR policy), the Department quietly complied by posting to the City website but with no public announcement.

The current Policy Manual is now available on-line under the heading

Morgan Hill Police Department Training Documents
with the note that this is "in compliance with the California Public
Records Act". The posting of the manual was not announced to the
community.

The manual contains no revision history.

4) Miscellaneous comments

City Attorney Wan used to provide a summary of State law changes
at the start of each year.

Some Bay Area police agencies have developed processes for introducing
new technologies. The County process championed by Supervisor Simitian
is an excellent example.

The California Public Records Act requires agencies to make reasonable
effort to redact confidential information and not simply declare that
the document has confidential information and so will not be released.
Case in Point: MHPD Automated License Plate Reader (ALPR) Policy
459.6 POLICY

The policy of the Morgan Hill Police Department is to utilize ALPR
technology to capture and store digital license plate data and images
while recognizing the established privacy rights of the public.
All data and images gathered by the ALPR are for the official use
of this department. Because such data may contain confidential
information, it is not open to public review.

Thank you for your consideration,
Doug Muirhead, Morgan Hill

WARNING: This message is from an external user. Confidential information such as social security numbers, credit
card numbers, bank routing numbers, gift card numbers, wire transfer information and other personally identifiable
information should not be transmitted to this user. For question, please contact the Morgan Hill IT Department by
opening a new helpdesk request online or call 408-909-0055.



Item 12

Updates to Sustainable Morgan Hill 2020-2021



February 5, 2020



City Council Norms

Established January 26, 2019

- ❖ Be respectful of each other
- ❖ Address issue, not person
- ❖ Be honest and real
- ❖ "Clear air" if needed; have hard discussions
- ❖ Listen to each other
- ❖ Be aware of how we represent the City as leaders in the community
- ❖ Be accurate in statements
- ❖ Be open minded; avoid concluding on your position prior to an item being heard
- ❖ Recognize that experience comes in diverse ways
- ❖ Be mindful of time
- ❖ Keep decorum of meeting throughout
- ❖ No side conversations
- ❖ Come prepared
- ❖ Give enough time to discuss issues
- ❖ Ok to ask City Council to continue an item if not ready
- ❖ Don't be repetitive on requests and comments
- ❖ Wait to be recognized before speaking
- ❖ Keep the order of meetings (questions, public comment, and then discussion)
- ❖ Provide early notice of request for alternates to attend outside appointment meetings
- ❖ Speak into the microphone
- ❖ Cell phones silenced
- ❖ Be punctual
- ❖ Send questions in advance of meeting; let City Manager know if you plan to pull a consent item
- ❖ Be engaged
- ❖ Be concise

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.

Sustainable Morgan Hill



City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment
- Maintaining 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

Sustainable Morgan Hill



2020-2021 Strategic Priorities

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

THANK YOU



February 5, 2020 City Council Meeting

Public Comments regarding Agenda Item 13: City Council Policy Revisions

At the very same time you say “Community Engagement and Messaging” is a priority, you are proposing changes that will further limit the Public’s already limited ability to speak at City meetings. I am not aware of a single instance over the last year or so where a speaker requested or used more than 6 minutes during the non-agenda Public Comment period. To my knowledge, members of the MH Responsible Growth Coalition are the *only* residents who have requested to cede time from one person to another. Also, the Mayor already set a de-facto standard when he recently said you ‘weren’t going to go there’ and *no* speaker was going to be allowed more than 3 minutes. But this Council still sees a reason to further restrict public input. I don’t know about Community Engagement but at least the Messaging part is clear - at a time when there is a lot of public concern over some very important issues, none that ‘just showed up overnight’ and *all* fundamentally rooted in the City’s lack of transparency, anything more than 3 minutes once or twice a month is too much of a burden.

What *should* also be clear, is that the policy for items on the agenda, which is not being changed, is not being followed.

For quasi-judicial agenda items, it is common practice to give the entity that has a protected interest more speaking time and the opportunity for rebuttal in recognition of their due process rights. That is not an issue.

However, when legislative, administrative, or for lack of a better name, ‘city sponsored feedback’ items are on the agenda, the ‘protected interest’ at stake is the Constitution. Courts have found that *“Citizens have an enormous First Amendment interest in directing speech about public issues to those whose govern their city”* and have acted to protect that interest. For example, the U.S. Supreme Court has said: *“To permit one side of a debatable public question to have a monopoly in expressing its views to the government is the antithesis of constitutional guarantees.”*

Many independent groups in Morgan Hill are working hard to engage with the community on important City related issues. There are several relevant Facebook groups, the Silicon Valley Taxpayers Association, Engage Morgan Hill, Morgan Hill Responsible Growth Coalition, and certainly many others. I’m sure many of these groups have relevant and valuable inputs and would like an opportunity to participate in city meetings.

Rules for Meeting Agenda and Public Comment should be applied equally and fairly to *all* public groups. No independent group should be put on a meeting agenda unless other groups are offered the same visibility. No single group should be given more preference to speak then the very policy being revised tonight permits – including, for example, only ceding time from members who are present.

Thoughtful feedback, especially from citizen groups that have demonstrated a commitment to fact-based analysis and who are truly independent from City bias should be encouraged. All public members deserve, and, by law have rights to, equal treatment in speaking at City meetings, whether public officials agree with a certain viewpoint or not.



Special - Regular Meeting Agenda

City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, February 5, 2020 6:00 p.m.

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

SPECIAL/REGULAR MEETING

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

6:00 p.m. Closed Session

7:00 p.m. Regular Meeting

STUDENTS - THE CLOSED SESSION THAT STARTS AT 6:00 P.M. IS NOT OPEN TO THE PUBLIC. THE REGULAR MEETING STARTS AT 7:00 P.M.

SPECIAL MEETING

6:00 p.m. Closed Session

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
Deputy City Clerk Michelle Bigelow

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation under Government Code Section 54956.9(b)

One Case

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§54957)

Title: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§54957)

Title: City Attorney

CONVENE REGULAR MEETING

REGULAR MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Spring

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

February 5, 2020

CONSENT CALENDAR

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

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. ACCEPT NOVEMBER 2019 FINANCIAL AND INVESTMENT REPORT

Recommendation:

Accept and file report.

2. INFORMATION TECHNOLOGY BUDGET INCREASE

Recommendation:

Adopt resolution amending the adopted 2019-20 Fiscal Year Budget appropriating \$160,000 from the Information Services Fund (730) for critical technology upgrades.

3. APPROVE CHANGE TO LIBRARY, CULTURE AND ARTS COMMISSION TERMS

Recommendation:

Approve transition to four year terms for the Library, Culture and Arts Commission.

4. APPROVE GROUND LEASE AGREEMENT FOR EQUIPMENT SHELTER AT COMMUNITY PARK BETWEEN THE CITY OF MORGAN HILL AND LCB COMMUNICATIONS LLC

Recommendation:

Approve a five-year Ground Lease Agreement, with an option to extend for two additional five-year terms, between the City of Morgan Hill and LCB Communications LLC, for a small communications equipment shelter to be generally located at the far southwestern corner of Community Park.

5. APPROVE PURCHASE OF PROPERTY (KIM & HWANG) APN 726-21-006 FOR THE MAIN AVENUE BIKE LANE AND SIDEWALK PROJECT

Recommendation:

1. Adopt resolution approving the purchase of a portion of APN 726-21-006 for \$101,277 plus escrow and closing costs from Kevin Kim and Jessica Hwang for the Main Avenue Bike Lane and Sidewalk Project; and
2. Authorize the Public Services Director to execute all documents and make minor modifications as necessary in order to consummate the transaction.

6. APPROVE THE JANUARY 15, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

7. APPROVE THE JANUARY 24, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

8. APPROVE THE JANUARY 25, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARING

9. ADOPT RESOLUTION AUTHORIZING THE COUNTY TO COMMENCE 2020 HAZARDOUS VEGETATION ABATEMENT PROGRAM

Recommendation:

1. Open/Close public hearing;
2. Adopt resolution A authorizing Santa Clara County to commence hazardous vegetation abatement activities on the attached list; and
3. Adopt resolution B authorizing Santa Clara County to commence hazardous vegetation abatement activities for the remaining parcel.

Estimated Time: 10 Minutes

OTHER BUSINESS

**10. HOLD PUBLIC HEARING AND TABULATE BALLOTS FOR JACKSON MEADOWS #6
AND MILL CREEK SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT
DISTRICT NUMBER 1**

Recommendation:

1. Open public hearing for Jackson Meadows #6;
2. Accept public input on ballot proceeding;
3. Announce close of public hearing is pending – Any property owner wishing to withdraw their ballot must do so now;
4. Announce close of public hearing is pending – Any property owner wishing to submit a ballot must do so now;
5. Close Jackson Meadows #6 public hearing;
6. Open public hearing for Mill Creek;
7. Accept public input on ballot proceeding;
8. Announce close of public hearing is pending – Any property owner wishing to withdraw their ballot must do so now;
9. Announce close of public hearing is pending – Any property owner wishing to submit a ballot must do so now;
10. Close public hearing for Mill Creek;
11. Take ten-minute recess for ballot tabulation;
12. Accept verbal report from Deputy City Clerk on Jackson Meadows #6 ballot tabulation results; and
13. Accept verbal report from Deputy City Clerk on Mill Creek ballot tabulation results;
14. Adopt Resolution A or B certifying the Jackson Meadows #6 ballot proceeding results; and
15. Adopt Resolution A or B certifying the Mill Creek ballot proceeding results.

Estimated Time: 30 Minutes

11. RECEIVE LEGISLATIVE UPDATE FOR THE POLICE DEPARTMENT

Recommendation:

Accept report.

Estimated Time: 40 Minutes

**12. UPDATES TO SUSTAINABLE MORGAN HILL, ONGOING PRIORITIES, AND 2020-21
STRATEGIC PRIORITIES**

Recommendation:

Adopt updates to Sustainable Morgan Hill and ongoing priorities and establish the City Council's 2020-21 Strategic Priorities.

Estimated Time: 20 Minutes

13. APPROVE UPDATED CITY COUNCIL POLICIES: 97-01 RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS, PLACEMENT OF ITEMS ON THE AGENDA, AND MATTERS TO BE RECONSIDERED, 99-01 SELECTION OF MAYOR PRO TEMPORE, 94-09 PROCLAMATION/RECOGNITION POLICY, AND ADOPT UPDATED RESOLUTION AUTHORIZING MAYOR AND/OR CITY MANAGER TO PREPARE, EXECUTE, AND TRANSMIT COMMUNICATIONS INDICATING A POSITION ON PROPOSED STATE, COUNTY, OR REGIONAL BOARDS' LEGISLATION OR ACTION THAT MAY HAVE AN IMPACT UPON THE CITY

Recommendation:

1. Approve updated City Council Policies: 97-01 Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered, 99-01 Selection of Mayor Pro Tempore, and 94-09 Proclamation/Recognition Policy; and
2. Approve updated resolution authorizing the Mayor and/or City Manager to prepare, execute, and transmit communications indicating a position on proposed State, County, or regional boards' legislation or action on certain matters that may have impacts upon the City in certain circumstances and directing a report back to City Council on any such communications transmitted.

Estimated Time: 30 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation under Government Code Section 54956.9(b)

One Case

RECONVENE

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
- Maintaining Fiscal Responsibility
- 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

2019-2020 Strategic Priorities

- Agricultural Preservation
- Cannabis Policy
- Community Engagement and Messaging
- Economic Development
- Financial Stewardship
- High Speed Rail
- Homelessness
- Housing
- Infrastructure
- Telecommunications
- Traffic/Transportation



“It’s not just that Shoe Palace showed up overnight*”

Actually, that’s exactly what happened, and we know *how*

History does not explain *why*

Stop with the excuses. What is being done to make sure it doesn’t happen again?

*Councilman Carr at Jan. 25th, 2020 Goal Setting workshop. Said in the context that the history of Morgan Hill Ranch Business Park where Shoe Palace is located and of land use decisions that “aren’t made overnight or in a back room” might help explain the current situation.

"We (should) take into account the history behind decisions"

Shoe Palace 'Expansion' Project History

- June 2018: Accept incomplete application for 500,000 square foot Distribution Center
- July 2018 Tell City Council that Shoe Palace is a Big Deal at mid-year budget update
- July 2018 Look for any way to accelerate approval, including how to "avoid the need altogether for a public review period"
- Oct 2018 Send notices to 16 local addresses
- Oct 2018: Ask **"Do you really want Shoe Palace to go to the Planning Commission?"** (Answer: NO)
- Nov 2018 Ignore concerns from DoT and professional traffic engineer about SHAM Traffic Analysis
- Dec 2018 Approve project based on knowingly false finding that project is consistent with Zoning Ordinance
- M-A 2019 Never mention SP Distribution Center even while everyone is asking about TC (May - Aug, 2019)
- Aug 2019 Next Door post. Residents notice bulldozers and ask what's going on. Many think TC project has started.
- Aug 2019 **Acknowledge "we don't know WHAT THE USE OF THE FACILITY WILL BE" (but 'included' in budget)**
- Dec 2019 Public finds out what City already knew, not an 'expansion' project at all, entire building is For Lease
- Jan 2020 Release 'Information' bulletin with yet another false 'land use' excuse reason to explain the above
- Jan 2020 "It's not just that Shoe Palace showed up overnight."



"Land Use Decisions Aren't Made Overnight"

Shoe Palace Land Use & Excuse History

- 1980 MH Business Park Master Plan & EIR : *"R&D/Manufacturing are planned as the primary use of the site.. ...It is expected that this use will consist of expanding Santa Clara County electronics firms seeking to take advantage of a high-quality South County location for their business"*. NO WHERE in the Master Plan is there ANY suggestion that Distribution Centers were a targeted or desired use. Defines Land Uses & Zoning Restrictions for R&D/Manufacturing parcels: **All uses permitted in Light Industrial**
- 1981 Ordinance 535 and 'Planned Unit Development Agreement for MH Business Park' - including section D.10 which does NOT prevent but REQUIRES projects be consistent with the approved Development Plan
- 1987 Ordinance 835B. No CUP required (!!!) , "within the PUD-Commercial area" (absolutely no relevance to SP)
- 2013: CUP 13-01: Shoe Palace - Jim Rowe: **"within the MH Business Park, Warehouse & Distribution facilities are identified as Condition Use which is the reason the CUP application is before you this evening"**
- 2017 CUP 2017-002: Jubilee Church - Staff report: **"the project site is located within MH Business Park PUD and has been designated within an area that allows for all uses permitted in the Light Industrial Zoning District"**
- Aug 2019 Where is CUP for new Shoe Palace Site? (MHRGC) No answer. Ask Planning Commission. Ask City Council.
- Sept 2019 CUP not required based on CEQA. (Development Services Director)
- Oct 2019 CUP not even a possibility because Ordinance 835B doesn't allow the City to enforce Zoning in Business Park. (City Attorney)
- Oct 2019 "It's difficult to determine what the voter's intent was in a 32-year old initiative" (City Attorney)
- Jan 2020 CUP not allowed because of Planned Unit Development Agreement, section D.10 (City 'information' on Shoe Palace)
- Jan 2020 "There's a lot behind it that few of us even remember" (Councilman Carr)



Excuse after excuse after misleading excuse

- What someone remembers might provide useful & interesting context
- What is supposed to govern City actions is the very written 'Land Use history' (Ordinances, MHMC, permits,) that some council members lament is supposedly being ignored
- City uses history (MHMC notification rules) to justify they are 'just following the law' when only 16 people are notified and then ignores history (CUP's, that force PC review, were processed for MH Business Park projects because they are required) to defend not following the law when Shoe Palace was approved based on false finding that it is consistent with the Zoning Code
- Everyone knows what happened. City Council knew about Shoe Palace BUT Citizens only found out about it overnight because of decisions made by staff that wanted it that way and no one objected
- Why that happened has it's own well documented 'history' of systemic issues that fundamentally are rooted in lack of respect for transparency. THAT didn't happen overnight.
- History does allow people to learn from mistakes. Why doesn't the City quit making misleading excuses and fix the problems?



Supplement & Presentation List
February 5, 2020
City Council Meeting

Presentations

- Item 11
- Item 12

Supplements

- Public Comment
- Item 13