



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, July 15, 2020 5:30 p.m.

Virtual Meeting

Link to join the meeting can be found below, Morgan Hill, CA 95037

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

Members of the public may NOT physically attend meetings at the Morgan Hill City Council Chamber.

The City Council Meeting will be live-streamed on Channel 17 and on the City's website. Those members of the public wishing to participate remotely may do so via the electronic meeting at:

<https://bit.ly/071520CCMeeting85451421831>

<<https://bit.ly/071520CCMeeting%20854%205142%201831>> or by calling in to: (669) 900-9128, then enter the meeting id: 845 5142 1831.

Public comment for City Council meetings will be accepted via email to ccpubliccomment@morganhill.ca.gov <<mailto:ccpubliccomment@morganhill.ca.gov>>. Members of the public participating in the electronic meeting wishing to speak may do so during public comment.

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 5:30 p.m. for the purpose of conducting commission interviews and a closed session.

5:30 p.m. Commission interviews and closed session

7:00 p.m. Regular Meeting

SPECIAL MEETING

5:30 P.M. Commission Interviews and 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 Bigelow

COMMISSION INTERVIEWS

1. **INTERVIEWS TO FILL THREE (3) VACANCIES ON THE LIBRARY, CULTURE, AND ARTS COMMISSION AND THREE (3) VACANCIES ON THE PARKS AND RECREATION COMMISSION**

Recommendation:

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

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§54957)

Title: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§54957)

Title: City Attorney

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9.

One case

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.

RECOGNITIONS

MORGAN HILL TOGETHER ART COMPETITION

VIRTUAL YOUTH LEADERSHIP MORGAN HILL PROGRAM

PRESENTATIONS

YAC Presentation- <https://www.youtube.com/watch?v=6LFP22VqamM>

Live Oak Valedictorians Emma Squires and Lucas Nguyen

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

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)

PUBLIC COMMENT SUPPLEMENT

ADOPTION OF AGENDA

CONSENT CALENDAR

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

Time Estimate for Consent Calendar: 1 - 10 Minutes

2. ADOPT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PROCLAIMING BLACK LIVES MATTER AND COMMITTING TO STAND IN SOLIDARITY WITH ITS BLACK COMMUNITY

Recommendation:

Adopt resolution proclaiming Black Lives Matter and committing to stand in solidarity with our Black community.

3. ACCEPTANCE OF EAST MAIN AVENUE WELL #3 PROJECT

Recommendation:

1. Accept as complete the East Main Avenue Well #3 Project in the final amount of \$1,627,146;
2. Authorize the City Engineer to sign the attached Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

4. ACCEPTANCE OF CITY FACILITY FIBER NETWORK INFRASTRUCTURE PROJECT

Recommendation:

1. Accept as complete the City Facility Fiber Network Infrastructure Project;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

5. APPROVE ACCEPTANCE OF GRANT FUNDS FROM SANTA CLARA COUNTY OFFICE OF EMERGENCY SERVICES AND COMMUNITY LAW ENFORCEMENT FOUNDATION, AND APPROPRIATION OF ASSET SEIZURE AND FORFEITURE FUNDS

Recommendation:

1. Accept \$90,000 in grant funds from the County of Santa Clara Office of Emergency Services (OES) for a portable vehicle barrier to use at community special events;
2. Accept \$52,198 in grant funds from the Community Law Enforcement Foundation (CLEF) for purchase of FARO 3D crime scene scanner and medical pouches;
3. Adopt resolution amending the Fiscal Year 2020-21 adopted budget to appropriate \$142,198 within the General Fund (010) and \$60,000 from Asset Seizure and Forfeiture Fund (225) for the related grant and other one-time capital expenditures; and
4. Authorize the City Manager to approve related purchase orders as necessary.

6. APPROVE A PROPERTY USE AGREEMENT WITH VISIT MORGAN HILL

Recommendation:

Approve and authorize the City Manager to execute and administer a property use agreement with Visit Morgan Hill.

7. APPROVE AGREEMENT WITH BLACK AND VEATCH FOR SANITARY SEWER SYSTEM ASSET MANAGEMENT PLAN

Recommendation:

Approve and authorize the City Manager to execute and administer an agreement with Black & Veatch Corporation in the amount of \$309,782 for the development of a Sanitary Sewer Asset Management Plan.

8. APPROVE MICROSOFT ENTERPRISE AGREEMENT FOR OFFICE 365, WINDOWS SERVER, AND SQL DATABASE LICENSING

Recommendation:

1. Approve the purchase of three-year Microsoft Office 365, Windows Server and SQL Database Licensing from Dell Marketing, LLP for a not-to-exceed amount of \$401,329; and
2. Authorize the City Manager to execute and administer a Microsoft Enterprise Agreement for the licensing of the City of Morgan Hill Microsoft products and services.

9. APPROVE RE-SUBORDINATION OF JASMINE SQUARE APARTMENTS, 16530 MONTEREY ROAD, CITY/SUCCESSOR AGENCY LOANS

Recommendation:

Approve re-subordination of existing City/Successor Agency affordable housing loans necessitated by refinance of senior debt, restructure debt to cap Residual Receipt payment to the City/Successor at 75% per Fannie Mae lending requirements, provide developer vehicle to make balloon payment, lower interest rate, and pay \$150,000 towards City loans.

10. APPROVE SECOND AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY OF MORGAN HILL FOR CONTINUATION OF SERVICES FOR RAPID RE-HOUSING (RRH) AND HOMELESSNESS PREVENTION PROGRAMS

Recommendation:

Approve and authorize the City Manager to execute and administer a second amendment to agreement with the County of Santa Clara to continue support for joint Rapid Re-Housing and Homeless Outreach Services (Homelessness Prevention programs) specifically for South County for a total of \$100,000 for two years.

11. APPROVE THE JUNE 17, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

12. AMEND THE IMPACT FEE FREEZE PROGRAM FOR COMMERCIAL AND INDUSTRIAL PROJECTS

Recommendation:

1. Approve the Impact Fee Freeze Program and guidelines; and
2. Authorize the City Manager to negotiate and execute Impact Fee Freeze Agreements that are under \$100,000 for new commercial and industrial projects consistent with the program criteria.

13. AWARD EAST MAIN AVENUE BIKE LANES AND SIDEWALK PROJECT

Recommendation:

1. Approve the East Main Avenue Bike Lanes and Sidewalk Project plans and specifications;
2. Award contract to McKim Corporation for the East Main Avenue Bike Lanes and Sidewalk Project in the amount of \$1,188,404;
3. Authorize expenditure of construction contingency funds not to exceed \$118,404; and
4. Authorize the Public Services Director to execute and administer the construction contract with McKim Corporation pending review and approval by the City Attorney's office.

OTHER BUSINESS

14. APPROVE INCENTIVE AGREEMENT FOR A NEW AUTOMOBILE DEALERSHIP

Recommendation:

Adopt resolution authorizing the City Manager to execute and administer an Incentive Agreement, consistent with the Auto Dealer Economic Development Strategy, with the Ford Store, Inc. for a new automobile dealership at the Auto Mall Planned Development Site on Condit Road; and make findings of consistency with Section 53083(a)(6)(b) of the Government Code (AB 562).

Estimated Time: 20 Minutes

15. PROVIDE DIRECTION REGARDING NOVEMBER 2020 REVENUE MEASURE INITIATIVES

Recommendation:

Direct staff to:

1. Not pursue placing a revenue measure for November 3, 2020 ballot;
OR
2. Pursue placement of a local transactions and use tax and/or business license tax revenue measure on November 3, 2020 ballot.

Estimated Time: 45 Minutes

16. PROVIDE DIRECTION REGARDING FEASIBILITY REPORTS FOR FUTURE RECREATION FACILITIES FOR SAND VOLLEYBALL AND VILLA MIRA MONTE HISTORICAL SITE

Recommendation:

1. Receive reports relating to future park and recreation facilities; and
2. Provide feedback and additional direction to City staff as desired.

Estimated Time: 30 Minutes

17. CONSIDERATION OF DECLARING RACISM AS A PUBLIC HEALTH EMERGENCY

Recommendation:

Consider declaring Racism a Public Health Emergency.

Estimated Time: 15 Minutes

18. RECEIVE UPDATE REGARDING REGIONAL HOUSING NEED ALLOCATION AND HOUSING ELEMENT REFORMS

Recommendation:

Receive report.

Estimated Time: 30 Minutes

19. CONSIDER CITY POSITIONS ON PROPOSED 2020 LAND USE AND HOUSING LEGISLATIONS

Recommendation:

1. Receive report; and
2. Direct staff to take no position or communicate City's position to the authors of the certain proposed 2020 legislation, local elected State representatives and the League of California Cities.

Estimated Time: 20 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

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

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining 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

2020-2021 Strategic Priorities

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

