



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, December 2, 2020 5:30 p.m.

Virtual Meeting

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/120220CityCouncilMtg> or by calling in to: (669) 900-9128, then enter the meeting id: 814 9338 1114.

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 pm for the purpose of conducting an Affordable Housing and Homelessness Workshop.

5:30 p.m. Workshop

7:00 p.m. Regular Meeting

SPECIAL MEETING

5:30 P.M. Workshop

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

WORKSHOP

1. AFFORDABLE HOUSING AND HOMELESSNESS WORKSHOP

Recommendation:

1. Receive report;
2. Approve the BEGIN downpayment assistance guidelines;
3. Adopt resolution authorizing the City to become a member of the California Community Housing Agency JPA; supporting the California Community Housing Agency's Issuance of Tax-Exempt Bonds for the production, preservation, and protection of Middle-Income Rental Housing; and Authorizing the City Manager or Designee to enter into purchase option agreements with the California Community Housing Agency for middle-income rental housing created within City limits;
4. Adopt resolution endorsing the 2020 Community Plan to End Homelessness; and
5. Direct City Manager to return to City Council with the Morgan Hill Inclusionary Housing Ordinance (IHO) amended to require low, lower moderate- and moderate-income units in all new ownership developments.

Any City Council actions will be taken during item 20 during the 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.

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)

December 2, 2020

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. ACCEPT COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2020

Recommendation:

Accept the City's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2020.

3. ADOPT RESOLUTION APPROVING AND MAKING FINDINGS RELATED TO THE AB 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR 2019-20

Recommendation:

Adopt resolution making findings for unexpended development impact fees and accept the annual development impact fee report.

4. ACCEPT THE ANNUAL SB 165 REPORT FOR COMMUNITY FACILITIES DISTRICT NO. 2014-1 (FISHER CREEK)

Recommendation:

Accept and file the report.

5. ACCEPT DOWNTOWN CROSSWALK SAFETY IMPROVEMENTS PROJECT

Recommendation:

1. Accept as complete the Downtown Crosswalk Safety Improvements Project in the final amount of \$123,309;
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.

6. ACCEPT TENNANT AVENUE SEWER PROJECT

Recommendation:

1. Accept as complete the Tennant Avenue Sewer Main Project in the final amount of \$2,287,821;
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.

7. ACCEPT MORGAN HILL LIBRARY ADDITION PROJECT

Recommendation:

1. Accept as complete the Morgan Hill Library Addition Project in the final amount of \$2,072,574;
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.

8. ADOPT RESOLUTION INITIATING 2021 HAZARDOUS VEGETATION PROGRAM

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing on February 3, 2021.

9. ADOPT RESOLUTION AMENDING THE MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION AND SALARY SCHEDULE TO INCLUDE APPOINTED CITY CLERK POSITION (THIS RESOLUTION RESCINDS RESOLUTION NO. 20-048)

Recommendation:

Adopt resolution amending the Management, Professional, and Confidential Employees Resolution and salary schedule to include appointed City Clerk position.

10. APPROVE THE RENAMING OF THE MORGAN HILL LIBRARY IN HONOR OF FORMER MAYOR STEVE TATE

Recommendation:

Approve the renaming of the Morgan Hill Library in honor of Former Mayor Steve Tate.

11. APPROVE IMPROVEMENT AGREEMENT WITH BW MORGAN HILL, LLC (BLUEWAVE EXPRESS CARWASH)

Recommendation:

1. Approve and authorize the City Manager to execute and administer an Improvement Agreement with BW Morgan Hill, LLC; and
2. Authorize the recordation of the Improvement Agreement.

12. APPROVE GENERATOR MAINTENANCE SERVICES AGREEMENT

Recommendation:

Approve and authorize the City Manager to execute and administer a three year agreement with Odyssey Power Corporation in the not-to-exceed amount of \$225,000 for annual, preventive maintenance, and emergency repair and rentals for the City's 28 standby generators.

13. APPROVE INCENTIVE AND FEE FREEZE AGREEMENTS FOR A NEW AUTOMOBILE DEALERSHIP

Recommendation:

1. Adopt resolution authorizing the City Manager to execute and administer an Incentive Agreement, consistent with the Auto Dealer Economic Development Strategy, with TSC Motors, Inc. for a new automobile dealership at the Auto Mall Planned Development Site on Condit Road;
2. Make findings of consistency with Section 53083(a)(6)(b) of the Government Code (AB 562); and
3. Direct the City Manager to execute an Impact Fee Freeze Agreement with TSC Motors, Inc. for the development of a 27,000 square foot new vehicle dealership to be located at 17085 Condit Road.

14. APPROVE AMENDED AND RESTATED IMPROVEMENT AGREEMENT WITH MONUMENT LAND COMPANY LLC AND ACCEPT PUBLIC IMPROVEMENTS AT THE INTERSECTION OF MONTEREY ROAD AND COCHRANE ROAD

Recommendation:

1. Approve an Amended and Restated Improvement Agreement with Monument Land Company LLC Relating to Reimbursement for Right-of-Way Improvements Constructed for City by Developer/Property Owner;
2. Authorize the City Manager to execute the Amended and Restated Improvement Agreement;
3. Authorize the recordation of the Amended and Restated Improvement Agreement;
4. Adopt resolution amending the Fiscal Year 2020-21 budget to appropriate \$191,145 from Local Drainage (303), Local Drainage – Non AB1600 (304), Sewer Operations (640), Water Operations (650), and Water Impact (651) funds to reimburse the Developer for the public improvements at the intersection of Monterey Road and Cochrane Road;
5. Accept the Public Improvements at the intersection of Monterey Road and Cochrane Road;
6. Authorize the City Engineer to sign a Notice of Completion; and
7. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

15. APPROVE PURCHASE OF FEE TITLE LAND AND A PUBLIC SERVICE EASEMENT FOR HALE AVENUE EXTENSION PROJECT

Recommendation:

1. Approve the purchase of Fee Title Land and a Public Service Easement of portions of APN 764-16-028 for a total amount of \$94,000 plus escrow and closing costs from the Morgan Hill Unified School District for the Hale Avenue Extension Project; and
2. Authorize the City Manager to execute all documents and make minor modifications as necessary in order to complete the transaction.

16. APPROVE THE NOVEMBER 18, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

17. DELEGATE THE COMPLETION AND ACCEPTANCE AUTHORITY OF PUBLIC IMPROVEMENTS MADE SUBJECT TO CITY COUNCIL APPROVED IMPROVEMENT AGREEMENTS FROM THE CITY COUNCIL TO THE CITY ENGINEER

Recommendation:

Delegate the completion and acceptance authority of public improvements made subject to the City Council approved Improvement Agreements from the City Council to the City Engineer.

18. RECEIVE MONTHLY BUDGET UPDATE AND OCTOBER 2020 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

19. REJECT PROPOSALS FOR WATER WELL AND PUMP STATION REPAIRS, MAINTENANCE, AND REHABILITATION SERVICES AND REBID THE PROJECT

Recommendation:

1. Reject proposals for Water Well and Pump Station Repairs, Maintenance, and Rehabilitation Services per Municipal Code Section 3.04.170; and
2. Approve and authorize the City Manager to execute an amendment for the current service agreement with Salinas Pump for these services to extend the term to June 30, 2021 and increase the amount by \$240,000, to a new not-to-exceed amount of \$898,967.

OTHER BUSINESS

20. APPROVE BEGIN PROGRAM GUIDELINES, AND ADOPT RESOLUTIONS TO JOIN CALIFORNIA COMMUNITY HOUSING AGENCY'S JOINT POWERS AGREEMENT AND ENDORSING THE SANTA CLARA COUNTY'S 2020 COMMUNITY PLAN TO END HOMELESSNESS

Recommendation:

1. Approve the BEGIN downpayment assistance guidelines;
2. Adopt resolution authorizing the City to become a member of the California Community Housing Agency JPA; supporting the California Community Housing Agency's Issuance of Tax-Exempt Bonds for the production, preservation, and protection of Middle-Income Rental Housing; and Authorizing the City Manager or Designee to enter into purchase option agreements with the California Community Housing Agency for middle-income rental housing created within City limits;
3. Adopt resolution endorsing the 2020 Community Plan to End Homelessness; and
4. Direct City Manager to return to City Council with the Morgan Hill Inclusionary Housing Ordinance (IHO) amended to require low, lower moderate- and moderate-income units in all new ownership developments.

Estimated Time: 60 Minutes

21. APPROVE SERVICE AGREEMENTS FOR BROADBAND SERVICES FOR THE CITY OF MORGAN HILL

Recommendation:

1. Authorize the City Manager and City Attorney to negotiate final terms and execute Master Services Agreement and Service Order with Wave Business Solutions, LLC for a period of 20 years in an amount not-to-exceed \$2,400,000 for a dark fiber lease for intranet connectivity between City facilities, and the installation of telecommunications conduit in the City; and
2. Authorize the inclusion of Monterey Road Conduit Construction Option and direct City Manager to apply and execute all related documents for the Economic Development Administration Infrastructure Grant.

Estimated Time: 60 Minutes

PUBLIC HEARING

22. INTRODUCE ORDINANCE AMENDING SECTION 8.28.040 (ENUMERATION OF UNLAWFUL NOISES) OF CHAPTER 8.28 (NOISE) OF TITLE 8 (HEALTH AND SAFETY) AND AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES; AMENDING CHAPTER 18.52 (FENCES AND WALLS) OF TITLE 18 (ZONING) TO CLARIFY AND ESTABLISH DESIGN AND SCREENING REQUIREMENTS OF FENCES AND WALLS; AND TO ESTABLISH CHAPTER 18.115 (GENERAL PLAN AMENDMENTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING PROCEDURES FOR AMENDING THE GENERAL PLAN (ZA2020-0001: MUNICIPAL CODE AMENDMENT)

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance Amendment; and
3. Introduce Ordinance Amendment.

Estimated Time: 45 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 pursuant to subdivision (b) of Section 54956.9.

One case

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Govt. Code 54956.9(d)(1))

Name of case: City of Morgan Hill v. Bushey (Case No. 16-CV-292595)

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



These strategic priorities were established prior to the COVID-19 pandemic. In light of recent events, we recognize that all of these goals and priorities will be viewed through the lens of the global pandemic, and we will continue to have equity, public health, and financial responsibility in mind.