



Special - Regular Meeting Agenda
City Council

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

Wednesday, February 17, 2021 5:00 p.m.

Virtual Meeting

VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice.

City Council meetings will be live streamed on Channel 17, on the City's website and on the City's Facebook page. Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at: <https://bit.ly/MHCityCouncilMeeting> or by calling in to: (669) 900-9128, then enter the webinar id: 873 3200 8380#.

Public comment may be provided in the following ways:

- Join the virtual City Council meeting via the link above, when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes
- Join the virtual meeting by calling in to the number above, dial *9 to raise your hand and be called upon to speak for up to 3 minutes
- Send public comments in writing to the City Clerk at ccpubliccomment@morganhill.ca.gov <<mailto:ccpubliccomment@morganhill.ca.gov>>

* Please note that comments made on Facebook are not considered public comment.

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 5:00 pm for the purpose of conducting a workshop.

5:00 pm Workshop

7:00 pm Regular Meeting

SPECIAL MEETING

5:00 pm Workshop

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
City Clerk Michelle Bigelow

WORKSHOP

1. LAST MILE (LOCAL) DELIVERY/DISTRIBUTION

Recommendation:

Examine what “last mile (local) delivery” is and how it could serve or impact our community, discuss what the City has done to date to regulate distribution, and explore regulations for last mile (local) delivery uses.

REGULAR MEETING

7:00 pm

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.

PRESENTATIONS

YAC PRESENTATION- ASSET # 26- CARING

RECOGNITIONS

Recognizing Communications and Engagement Director Maureen Tobin for her Hard Work, Dedication, and Many Years of Service to Morgan Hill

Morgan Hill Community Foundation Donation for Inclusive Playground
Nick Gaich, Matt Wendt, Peggy Martin, and Pamela Meador

PROCLAMATIONS

Proclaiming the month of February 2021 as Black History Month.

CITY COUNCIL REPORTS

Mayor Constantine

February 17, 2021

CITY MANAGER'S REPORT

City Manager Christina Turner

MORGAN HILL EMERGENCY OPERATIONS PLAN UPDATE

RESPONSES TO 2/3/21 AGENDA QUESTIONS

CITY MANAGER'S REPORT SUPPLEMENT 1

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)

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 DONATION FROM THE MORGAN HILL COMMUNITY FOUNDATION FOR THE MORGAN HILL MAGICAL BRIDGE INCLUSIVE PLAYGROUND

Recommendation:

1. Accept donation of \$72,660 from the Morgan Hill Community Foundation for the construction of the Morgan Hill Magical Bridge Inclusive Playground at Community Park; and
2. Authorize the City Manager to execute and administer any agreements necessary to accept the funds.

3. ADOPT RESOLUTION FINDING AN UNREASONABLE HARDSHIP WILL OCCUR UNLESS ATTORNEYS' FEE AWARD IS PAID IN INSTALLMENTS

Recommendation:

Adopt the proposed resolution declaring that an unreasonable hardship will occur unless City's share of the judgment awarded to the Hotel Coalition on November 13, 2020 is paid in installments.

4. ADOPT RESOLUTION TEMPORARILY TOLLING PLANNING, SUBDIVISION, AND BUILDING PERMIT APPROVALS

Recommendation:

Adopt resolution tolling Planning, Subdivision, and Building Permit approvals due to COVID-19 emergency.

5. APPROVE FUNDING AGREEMENT WITH THE VTA FOR THE MADRONE CHANNEL TRAIL PROJECT

Recommendation:

Approve and authorize the City Manager to execute and administer a funding agreement with the Santa Clara Valley Transportation Authority (VTA) for improvements to the Madrone Channel Trail.

6. APPROVE AGREEMENT WITH MARK THOMAS AND COMPANY FOR CONSTRUCTION SUPPORT SERVICES FOR THE HALE AVENUE EXTENSION PROJECT

Recommendation:

Approve and authorize the City Manager to execute and administer a Service Agreement for Design Professionals with Mark Thomas & Company for construction support services for the Hale Avenue Extension Project for \$143,295.

7. APPROVE FIFTH AMENDMENT TO THE LEASE AGREEMENT WITH THE MORGAN HILL UNIFIED SCHOOL DISTRICT FOR USE OF SPACE AT THE CORPORATION YARD

Recommendation:

Approve and authorize the City Manager to enter into a Fifth Amendment to the lease agreement with the Morgan Hill Unified School District.

8. APPROVE THE JANUARY 20, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

9. APPROVE THE JANUARY 29 AND 30, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

10. APPROVE THE FEBRUARY 9, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARING

11. REVIEW PLANNING COMMISSION'S DECISION ON CONDITIONAL USE PERMIT (UP2020-0004) MAST - TITAN SPORTS ACADEMY/KINETIC PERFORMANCE INSTITUTE TO ALLOW INDOOR COMMERCIAL RECREATION FOR PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 817-02-063 LOCATED AT 195 MAST STREET.

Recommendation:

1. Open/close public hearing; and
2. Adopt resolution:
 - a. reaffirming the decision of the Planning Commission to deny the Conditional Use Permit.
OR
 - b. making the necessary findings to support a Conditional Use Permit.
3. Direct staff to return to the City Council with Zoning Code changes removing conditional use conflicts with industrial preservation.

Estimated Time: 75 Minutes

OTHER BUSINESS

12. CONSIDER CITY COUNCIL INITIATED AGENDA ITEM REQUESTING CITY COUNCIL ADOPT A RESOLUTION CONDEMNING THE JANUARY 6, 2021 RIOTS AT THE UNITED STATES CAPITOL IN WASHINGTON D.C.

Recommendation:

Consider whether to direct staff to prepare a resolution condemning the January 6, 2021 riots at the United States Capitol in Washington D.C.

Estimated Time: 15 Minutes

13. CONSIDER CITY COUNCIL INITIATED AGENDA ITEM REQUESTING CITY COUNCIL ADOPT A RESOLUTION EXPRESSING SUPPORT FOR ACTIONS TO STRENGTHEN LOCAL DEMOCRACY, AUTHORITY, AND CONTROL

Recommendation:

Consider whether to direct staff to prepare a resolution expressing support for actions to strengthen local democracy, authority, and control.

Estimated Time: 15 Minutes

14. APPROVE UPDATES TO SUSTAINABLE MORGAN HILL VISION, ONGOING AND STRATEGIC PRIORITIES, CITY COUNCIL NORMS, AND COUNCIL POLICY REGARDING RULES FOR CONDUCT OF CITY COUNCIL MEETINGS

Recommendation:

Adopt updates to:

1. Sustainable Morgan Hill vision, ongoing priorities, and 2020 – 2021 strategic priorities;
2. City Council Norms; and
3. City Council Policy (CP 97-01) – Rules for Conduct of City Council Meetings.

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



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.