



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, March 3, 2021 6:00 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 6:00 pm for the purpose of conducting a closed session.

6:00 pm Closed Session

7:00 pm Regular Meeting

SPECIAL MEETING

6:00 pm Closed Session

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

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to § 54956.9(c)

One case

CONFERENCE WITH LEGAL COUNSEL- THREATENED LITIGATION

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

One case

CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

Pursuant to: Government Code Section 54956.8

Property: APN's - 81706001, 81714004, 81714009, 81714005

Negotiating Parties: Christina Turner and Chris Ghione

Property Owner: CHU JOHN C AND MAY-JIH C TRUSTEE

Under Negotiation: Price and Terms of Sale

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.

PROCLAMATIONS

Proclaiming the Month of March 2021 as Youth Arts Month

CITY COUNCIL REPORTS

Mayor Pro Tem McKay

March 3, 2021

CITY COUNCIL REPORTS SUPPLEMENT 1

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)

PUBLIC COMMENT SUPPLEMENT 1

PUBLIC COMMENT SUPPLEMENT 2

PUBLIC COMMENT SUPPLEMENT 3

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

1. **ADOPT RESOLUTION CONDEMNING ALL FORMS OF HATE AND VIOLENCE INCLUDING THE JANUARY 6, 2021 RIOTS AT THE UNITED STATES CAPITOL BUILDING IN WASHINGTON D.C**

Recommendation:

Adopt resolution condemning all forms of hate and violence including the January 6, 2021 riots at the United States Capitol Building in Washington D.C.

2. **ADOPT RESOLUTION EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL DEMOCRACY, AUTHORITY, AND CONTROL AS RELATED TO LOCAL ZONING AND HOUSING ISSUES**

Recommendation:

Adopt resolution expressing support for actions to further strengthen local democracy, authority, and control as related to local zoning and housing issues.

**3. APPROVE 2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT
MEMORANDUM OF UNDERSTANDING**

Recommendation:

Adopt resolution:

1. Authorizing the City Manager to execute and administer the Memorandum of Understanding with the County of Santa Clara for the 2020 Emergency Management Performance Grant; and
2. Amending the City's Fiscal Year 2020-21 adopted budget to recognize revenue and appropriate related expenditures, in the amount of \$7,340 from the General Fund (010).

4. APPROVE COST-SHARING AGREEMENT WITH SOUTH SANTA CLARA COUNTY FIRE DISTRICT

Recommendation:

Approve and authorize the City Manager to execute and administer a cost-sharing agreement with South Santa Clara County Fire District (SSCCFD) for City's contribution to the District's Engine 67.

5. APPROVE FIRST AMENDMENT TO AGREEMENT WITH KEYSER MARSTON ASSOCIATES, INC. FOR HOUSING PROGRAM SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer an amendment to the Consultant Agreement with Keyser Marston Associates, Inc. for Housing Program services through June 30, 2022, for an additional \$50,000 and a total not-to-exceed amount of \$90,000.

6. RATIFY CITY POSITION ON ASSEMBLY BILL 271 - AUTHORIZING VALLEY WATER TO UTILIZE "BEST VALUE" METHOD TO SELECT THE CONSTRUCTION CONTRACTOR FOR THE ANDERSON DAM SEISMIC RETROFIT PROJECT

Recommendation:

Ratify City position on pending State Legislation Assembly Bill 271.

7. APPROVE THE FEBRUARY 17, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

8. AWARD 2020 INFLOW AND INFILTRATION SEWER REPAIR PROJECT

Recommendation:

1. Approve 2020 Inflow and Infiltration Sewer Repair Project plans and specifications;
2. Award contract to Pacific Underground Construction, Inc. for the 2020 Inflow and Infiltration Sewer Repair Project in the amount of \$2,034,350;
3. Authorize expenditure of construction contingency funds not to exceed \$406,870; and
4. Authorize the City Manager to execute and administer the construction contract with Pacific Underground Construction, Inc.

PUBLIC HEARING

9. ADOPT RESOLUTION AUTHORIZING THE COUNTY TO COMMENCE 2021 HAZARDOUS VEGETATION ABATEMENT PROGRAM

Recommendation:

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

Estimated Time: 15 Minutes

OTHER BUSINESS

10. ADOPT RESOLUTION CERTIFYING THE INITIATIVE PETITION TITLED: CITIZENS' INITIATIVE CHANGING ZONING REGULATIONS THROUGHOUT THE CITY OF MORGAN HILL TO PROHIBIT CERTAIN NEW STORAGE AND DISTRIBUTION USES IN ALL AREAS OF THE CITY AND AMENDING THE REVIEW PROCESS FOR LARGE-SCALE DEVELOPMENT PROJECTS, AND DIRECT STAFF TO PREPARE IMPACT REPORT

Recommendation:

1. Adopt resolution accepting the City Clerk's Certificate of Sufficiency for the Initiative Petition Titled: Citizens' initiative changing zoning regulations throughout the city of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development projects; and
2. Direct staff to prepare an impact report under Elections Code section 9212 no later than April 2, 2021 for City Council meeting, for the Council to consider next steps.

Estimated Time: 30 Minutes

11. PROVIDE INPUT ON POLICY OPTIONS RELATING TO TREE PROTECTION

Recommendation:

Provide guidance to staff on the type and scope of policy changes the City Council is interested in considering relating to the protection of trees in the community.

Estimated Time: 30 Minutes

12. APPROVE COUNTYWIDE SOLID WASTE SERVICES CONCEPT AND RELATED BUDGETARY AND POLICY CHANGES

Recommendation:

1. Approve the concept of providing countywide solid waste administrative services;
2. Adopt resolution amending Fiscal Year 2020-21 Budget to recognize \$54,127 as revenue and expenditures for the administration of countywide solid waste program;
3. Adopt updated Management, Professional, and Confidential Employees Resolution establishing the Environmental Services Manager position and salary;
4. Authorize the increase of the existing Part-Time Management Analyst position to a Full-Time position;
5. Authorize the City Manager to execute an agreement with the County of Santa Clara for Fiscal Agent and Related Planning Services subject to the review and approval of the City Attorney; and
6. Provide direction to staff to return to the Council with required actions to increase the threshold for purchases made exclusively with countywide funds received for solid waste management program.

Estimated Time: 30 Minutes

13. RECEIVE MONTHLY BUDGET UPDATE AND JANUARY 2021 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

Estimated Time: 15 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, equitable, 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 Equity, Diversity, and Inclusiveness
- Advancing Regional Initiatives
- Advocating for Local Control

2020-2021 Strategic Priorities

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



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

