



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, May 19, 2021 5:30 p.m.

Virtual Meeting

VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT

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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

City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
City Clerk Michelle Bigelow

WORKSHOP

Housing workshop blurb...

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

YAC President Hassti Tigardoon

PRESENTATIONS

YAC Presentation- Asset #35- Resistance Skills

PROCLAMATIONS

Proclaiming May 15, 2021 as National Peace Officers Memorial Day and the week of May 9-15, 2021 as National Police Week

Proclaiming the week of May 16-22, 2021 as Emergency Medical Services Week

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Mayor Pro Tem McKay

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City Manager Christina Turner

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May 19, 2021

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ADOPTION OF AGENDA

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Time Estimate for Consent Calendar: 1 - 10 Minutes

1. ACCEPT EAST MAIN AVENUE BIKE LANES AND SIDEWALK PROJECT

Recommendation:

1. Accept as complete the East Main Avenue Bike Lanes and Sidewalk Project in the final amount of \$1,210,089;
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.

2. ADOPT ORDINANCE 2321, NEW SERIES, ADDING SECTION 3.04.145 TO CHAPTER 3.04 ("PURCHASING") TO TITLE 3 ("REVENUE AND FINANCE") OF THE MORGAN HILL MUNICIPAL CODE INCREASING THE CITY MANAGER'S AUTHORITY TO PROCURE GOODS AND SERVICES THAT ARE EXCLUSIVELY RELATED TO THE CITY'S ROLE AS CONTRACTING AGENT USING COUNTYWIDE SOLID WASTE PLANNING FEE PROCEEDS

Recommendation:

Waive the reading, adopt Ordinance No. 2321, 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.

3. APPROVE LICENSE AGREEMENT WITH TOGLIATTI FARMS FOR CITY PROPERTY AT CONDOT ROAD AND TENNANT AVENUE

Recommendation:

Approve the License Agreement with Togliatti Farms for \$5,000 in annual rent and authorize the City Manager to execute the agreement.

4. APPROVE THE APRIL 28, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

5. AWARD 2021 SIDEWALK REPAIR CONTRACT TO DURAN CONSTRUCTION GROUP, INC.

Recommendation:

1. Award a contract to Duran Construction Group, Inc. in the amount of \$171,691.65;
2. Authorize the expenditure of construction contingency funds not to exceed \$42,908.35; and
3. Authorize the City Manager to execute and administer that certain construction contract with Duran Construction Group, Inc.

OTHER BUSINESS

6. DOWNTOWN TRAFFIC CALMING AND MONTEREY ROAD LANE REDUCTION

Recommendation:

1. Receive report on traffic calming activities in the Downtown;
2. ~~Direct staff to include the funding of Appropriate \$50,000 from the General Fund towards~~for the engineering and design consultants to support the design of an Improved Lane Reduction Program and associated Place Branding Design for the downtown;
3. Direct City staff to form a working committee made up of Downtown and community representatives;
4. Direct City staff to formally discuss public private partnership opportunities with the Downtown Businesses to support the lane reduction and place branding efforts; and
5. Direct City staff to begin the application process for Transit Development Act Funds for the Lane Reduction Program.

Estimated Time: 90 Minutes

7. DEVELOPMENT OF A TEMPORARY DOWNTOWN DOG PARK AT FORMER COMMUNITY GARDEN SITE

Recommendation:

Provide direction to City Staff on Parks and Recreation Commission on proposed temporary Downtown Dog Park.

Estimated Time: 30 Minutes

8. USE OF GLYPHOSATE IN CITY MAINTENANCE ACTIVITIES

Recommendation:

1. Receive report on herbicide/Glyphosate use in City parks; and
2. Provide staff with direction on future use of herbicides/Glyphosate by the City.

Estimated Time: 30 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

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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.





May

Developmental Asset #35

Resistance Skills

Young person can resist negative peer pressure
and dangerous situations.



May

Complementary Asset #37

Personal Power

Young person feels they have control over
“things that happen to me.”

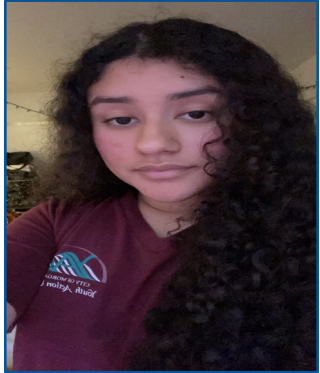
Aadhavan Magesh, Co-Record Keeper



- How can a young person resist negative peer pressure and dangerous situations?
- Supportive surroundings
 - Have integrity
 - Walk away
 - Have confidence when you say “no”



Giselle Naranjo, Secretary



→ Importance of resisting negative peer pressure among youth:

- Standing up to what they believe is right
- Maintaining a safe environment
- Being responsible



Resources for Teens

- ❖ Living Above the Influence
- ❖ Community Solutions
- ❖ NAMI (National Alliance on Mental Illness)
- ❖ School Teachers/Counselors
- ❖ YAC Advisors
- ❖ W.A.V.E. (Warriors Against Vaping and E-Cigarettes)



Questions to Council:

- When you were a teen, did you ever have to get out of a situation where you were being peer pressured or being put in a possible dangerous situation? If so, how did you approach it?
- What have you done as an adult to help teens make better choices?





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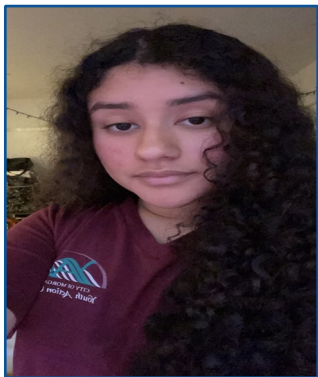
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- What have you done as an adult to help teens make better choices?



From: [Toni Tryforos](#)
To: [CC Public Comment](#)
Subject: [EXTERNAL] DT Calming Initiative
Date: Thursday, May 20, 2021 8:08:34 AM

Good Morning City Council Team -

After listening to the exhausting call last night and sleeping on my thoughts, it's my conclusion that this project needs to be tabled for at least a year.

We are coming out of a pandemic and people's emotions are all over the map. MH has so many construction projects going on at the same time, housing, industrial, and Anderson Dam. What's the hurry with doing DT, pause this and do an impact analysis after the housing projects are near or completed. There's definitely an agenda that isn't meeting what the majority of the community want. With the new housing we can expect close to 2K more vehicles and then with the industrial projects in Butterfield between Jarvis/Sutter that's more traffic during peak times.

I urge you to reconsider not rushing this, let's get infrastructure priorities addressed and really listen to a more broad range of people in the community.

Regards,
Toni Tryforos

Sent from my iPhone

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From: [Tiffany Morales](#)
To: [CC Public Comment](#)
Subject: [EXTERNAL] The City of Morgan Hill- Traffic Calming
Date: Wednesday, May 19, 2021 7:38:24 PM

Dear Morgan Hill City Council,

My name is Tiffany Morales and I am the Chief Operating Officer for the live+love+léal hospitality portfolio. As a former Morgan Hill resident and now an active business leader in the community, I have seen the evolution of the city of Morgan Hill. Once upon a time, Morgan Hill was a sleepy town that needed a plan for redevelopment to help create a sense of place for businesses to thrive and survive and in return, the city would benefit economically.

The COVID-19 pandemic has negatively impacted all of us on a personal or professional level to some degree. Navigating through uncertainty has been challenging for everyone, however, with challenges come problem-solving opportunities. During these difficult times, Frank Léal has been a leader not only for our own company but for all small businesses in downtown Morgan Hill. Before the government shutdown, Frank quickly reacted to take a stand and do something about it. He went with his instinct to purchase tents for his businesses and in a spirit of community and camaraderie he generously offered to help supply tents to our neighbors such as Noah's and Maurizio's off of 1st Street. In addition, since 2015 Frank has generously been paying for the use of the parking lot between 1st Street and Wells Fargo. He made improvements to the parking lot and has made it available for the community to use to help benefit all businesses. He had the vision to create a sense of place, and focus on delivering hospitality to bring a bit of happiness to our community during a time of darkness.

When we were approached to participate in the AI Fresco project, we were thrilled! It was a collaborative effort to create a pop-up restaurant at our iconic landmark, Granada Theatre. It's fair to mention this is not the first time Frank has invested in keeping the Granada Theatre alive. In 2015 Frank Léal took on the preservation of restoring the Granada Theatre to save it from being destroyed for retail space. The Granada Theatre was a huge financial investment due in part to the need to reinforce the structural integrity of the building. The level of commitment that Frank Léal has for the city of Morgan Hill and our community goes far beyond his own company's financial gain. Frank Léal is a visionary and sees a concept for the future in building a sustainable Downtown Morgan Hill for all to enjoy more safely.

Our live+love+léal hospitality portfolio is committed to contributing to the success of a thriving community. We want to ensure our employees, patrons and community are safe when they visit downtown. The opportunity is now, to take action and calm traffic to make a beautiful, walkable, and safe downtown area for everyone to enjoy. The benefit will be to make Morgan Hill a destination of choice in the Bay Area where we strive to be the innovators

and be proactive rather than reactive for building a sustainable economy for our community for generations to come.

Thank you for your time and consideration.

Best regards,

Tiffany Morales

Chief Operations Officer

live+love+léal Hospitality Portfolio

P: 408-804-1499

www.liveloveleal.com

tiffany@liveloveleal.com



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From: Alex Vo <[REDACTED]>
Sent: Wednesday, May 19, 2021 6:14 PM
To: CityClerk <clerk@morganhill.ca.gov>
Cc: Wifey <[REDACTED]>
Subject: Street Calming Support

Hi,

My name is Alex Vo and I am a resident and business owner in the downtown business district on E. 5th street. I just wanted to share my support for the street calming efforts that has been presented to us and I feel like this would be a huge benefit for the community. As a downtown resident, I love walking our dogs throughout downtown and to imagine that Monterey road could be even more walkable allowing more space for pedestrians and bicyclists, I think this would be a huge benefit for residents and businesses in the area. I think it would encourage more people to explore the downtown area and encourage more opportunities to hangout and lounge in the beautiful outdoor seating spaces throughout the area.

I know there has been a lot of controversy on whether this would cause more traffic but as I personally come and go often for work, I normally take Depot St. to avoid traffic when needed and if I'm not in a hurry, I always drive through downtown to enjoy the tree lights and ambiance from our local restaurants and businesses. Allowing for slower traffic in this area would also give others the opportunity to take it slower and maybe notice restaurants or businesses that they have not explored yet. My wife and I frequent Los Gatos and Willow Glen often and we believe that Morgan Hill has the same opportunity to stand out in a similar way if given the opportunity. Thank you for considering my public comment and please let me know if there's anything I can do to further support the efforts.

Best,

Alex Vo
Producer / Director

ELEVATIVE

From: Erin Gil <[REDACTED]>
Sent: Friday, May 7, 2021 3:26 PM
To: Chris Ghione <Chris.Ghione@morganhill.ca.gov>
Subject: Downtown proposal to eliminate 2nd lane .

Good Afternoon Chris ~ Thank you for yesterday's presentation and opportunity to verbally participate.

A few observations: 1. I am in support of the project.

2. Traffic will continue to be a problem. Not because of what the City of Morgan Hill is attempting to do in improving it's downtown area; but, rather due to the lack of infrastructure available from major throughfares: Hwy 101, Monterey Rd., Hale Ave, Mckean Ave, etc. The bottleneck will continue until traffic improvements are obtained from the State of California.

3. Parking deficit. Unfortunately parking access from Butterfield (next to courthouse) is not emphasized enough to easily access DTMH. All too often street parking is sought after in residential areas due to the proximity to DTMH. Often patrons race down residential streets INSO parking that is limited and difficult to obtain. In many instances my driveway is blocked by unobservant patrons eager for any possible parking available. It has left me no alternative but to call on local PD for assistance. Thankfully a medical emergency has not happened where access was limited either by ability to leave or in need of being somewhere quickly. I do not look forward to such an event should it come about.

4. Safety. When you're driving downtown, please be aware of all of the visual safety 'obstacles' associated with the berm, landscape and monuments that present themselves. It is more often than not that a drivers are unable to see pedestrians until it is late and quicker braking is needed to avoid an accident and someone is injured. Speeding is involved in all of the quadrant encompassing Main Ave to East Dunne (south and north borders) and Depot Ave and Monterey Rd. (east / west borders). With the zero lot line development associated with Depot and 2nd avenues, all too often drivers are unable to see approaching traffic from the south and take action to avoid collisions. Pedestrians also become endangered due to excessive speed by those looking for a quick 'cut through' or rare on the street parking. Since living in DT since 1997, this is an unintended consequence of not having a full and complete development plan in place for DTMH. We can and must do better.

5. Noise. Traffic noise is well noted by callers. As a resident, there is a great deal of noise from many areas and should be listed for improvement. As an example: racing / side show cars surround the DTMH area on all streets at all hours of the night. Ambient noise from the echo chamber of MOHI is a problem. Delivery truck traffic and services have, so far, been acceptable but one can hear the sounds of such services all days between the hours of 5:00 am to 10:00 pm. For some residents, this is unacceptable.

6. Residents. In the quest to maximize profits and taxes for the DTMH as well as the City of MH, residents are left unattended to. As if they are an afterthought or a part of the 'city' infrastructure that is not queried nor listened to for feedback as to what may or may not work. Those who live within the DTMH structures may have some good thoughts on the problems that the DT areas possess. Just a thought.

Please pass this along to any and all who may wish to review.

Thank you for being there, listening as well.

Best,
Erin Gil

From: Hassti Tirgardoona <[REDACTED]>

Sent: Wednesday, May 19, 2021 8:49 PM

To: CityCouncil <CityCouncil@morganhill.ca.gov>

Cc: Chiquy Mejia <Chiquy.Mejia@mhcr.com>

Subject: [EXTERNAL] Youth Public Comment on Item 6: Downtown Traffic Calming and Monterey Road Lane Reduction

Councilmembers,

I was hoping to comment at today's council meeting. However, I did have to leave. Here are my thoughts:

A road diet will increase the safety of both pedestrians and drivers. Pedestrians will have fewer lanes to cross and it will reduce crashes. Beyond safety, it will also promote a cleaner Morgan Hill by creating a space for green transportation like walking and bicycle riding. I know the youth of Morgan Hill are all for any measures to reduce our carbon footprint. I do, however, have many concerns:

1. Will this plan support small businesses or will it benefit higher-end restaurants?
2. Will the real estate that will be available be used by businesses? In other words, who will receive the property.
3. Will the increase in traffic lead to citizens avoiding downtown and taking their business elsewhere?
4. Is this the best way to spend our resources? Perhaps we should come together as a community to see the issues that urgently need to be addressed through funding.

Thank you for all that you have done for our community and thank you for reading my comment.

It is always a pleasure.

Respectfully,
Hassti Tirgardoona

From: Steve Pace/USA <[REDACTED]>
Sent: Wednesday, May 19, 2021 7:22 PM
To: General <general@morganhill.ca.gov>
Subject: traffic calming/lane reductions

City Clerk,
I am in favor of the lane reduction/traffic calming measure.
Thank you, Steve

From: Mike Tangney <[REDACTED]>
Date: May 19, 2021 at 12:48:13 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Downtown development

Hello Rene,

Please stop spending disproportionate amounts of money on poorly thought out projects. This latest Monterey Rd development affects thousands for the benefit of a few.

My wife and I visit downtown regularly,
Often times we bring our grandchildren. We've never felt unsafe. I also cycle all over Morgan Hill.
Downtown is safer from a cycling standpoint than many other areas of the city. I'm insulted that the city seems to be pushing this project allegedly as a safety upgrade when it is obviously driven by developers interests.

Thanks,
Mike Tangney

From: Armando Be <[REDACTED]>

Sent: Wednesday, May 19, 2021 12:31 PM

To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>; Yvonne Martinez Beltran <yvonne.martinezbeltran@morganhill.ca.gov>; Rene Spring <Rene.Spring@morganhill.ca.gov>; John McKay <john.mckay@morganhill.ca.gov>; Christina Turner <Christina.Turner@morganhill.ca.gov>; Gino Borgioli <Gino.Borgioli@morganhill.ca.gov>

Subject: ONE MINUTE DELAY?? MONTEREY LANE REDUCTION AGENDA ITEM>

Dear Mayor Constantine, Council Members, and City Manager.

Below is a list of housing projects currently under construction or in the process of being approved. Many more to come. Closing down a major thoroughfare for five blocks while inundating the entire corridor with new houses is not the way to go.. Local residents use those streets in the corridor to get their kids to nearby schools, to go shopping, to transit out of town. It is a highly congested intersection without traffic choke points. A couple of thousands more cars are going to be a reality once this soon to be completed developments are sold and new residents move in. And we know thousands more are in the pipeline with no way for the CC to do anything but approve.

<http://www.morgan-hill.ca.gov/DocumentCenter/View/38915/Significant-Projects---May-2021> • 389 Apartments, including 78 very low-income • Design Permit approved, grading underway • <http://www.morgan-hill.ca.gov/1959/Morgan-Hill-Apartments> Morgan Hill Apartments (Braddock and Logan) 3 • 101 Townhomes • Design Permit and Building Permits approved • Construction underway • <http://www.morgan-hill.ca.gov/1978/Monterey---City-Ventures> Monterey Gateway (City Ventures) 4 5 Housing Projects Submitted or Pending Monterey-Madrone (Jemcor) 6 • 249 units - 100% Affordable – Density Bonus & SB330 • Application Complete – next step CEQA review • <http://www.morgan-hill.ca.gov/2096/Monterey-Madrone-AffordableHousing-Deve> Crossings at Watsonville Road (UHC) 7 • 73 units - 100% Affordable – Density Bonus & SB330 (no density bonus, only concessions) • Application Complete – CEQA underway • <http://www.morgan-hill.ca.gov/2082/Watsonville-Hordness-Crossings-atMonter> The Magnolias (First Community Housing) 8 • 66 units - 100% Affordable – Density Bonus and SB330 • Application under review - next step CEQA review • <http://www.morgan-hill.ca.gov/2142/Monterey---First-CommunityHousing-Magno> Monterey-Manzanita Park (Dividend) 9 • 67 units • Application Complete – CEQA review underway • <http://www.morgan-hill.ca.gov/2074/Manzanita-Park> Morgan Hill Senior Housing (Beacon) 10 • 82 units – 100% affordable - low-income senior apartments • Design Permit Approved • Demolition Permit approved • <http://www.morgan-hill.ca.gov/2016/Morgan-Hill-Senior-Housing> Crosswinds (Dividend) 11 • 269 units • Environmental review underway • <http://www.morgan-hill.ca.gov/2042/Half-Dividend-CrosswindsResidential-Dev> New Horizons (Morgan Hill Devco) 12 • Proposed General Plan & Zoning amendments • Environmental underway • <http://www.morgan-hill.ca.gov/2041/Hill---Morgan-Hill-Devco-LLC> Cochrane Shopping Center (Browman Development) 13 • Proposed General Plan amendment and additional housing units as part of Planned Development Amendment for Phase 2 • Environmental Review underway • <http://www.morganhill.ca.gov/2069/Cochrane-Commons> Spring - Giancola 14 • 23 units • Application Complete – CEQA review underway Tennant - Osito 15 • 16 units • Design Permit

approved • <http://www.morgan-hill.ca.gov/2066/Tenant-Osito> Other Housing Projects 16
Dakota-Dunne – 4 units • Application pe

Regards,
Armando Benavides

From: Amber Vo <[REDACTED]>
Sent: Wednesday, May 19, 2021 8:56 AM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Public Comment - Monterey Road Traffic Calming

Hi,

I'm Amber, a Downtown Morgan Hill home owner and small business owner. I am writing in support of the Monterey Road Traffic Calming proposal. One of the top reasons my husband and I bought downtown was for the walkability and convenient lifestyle downtown living brings, as well as the safety of the area. We enjoy daily strolls through downtown, walking to dinner once or twice a week, and being in close proximity to all our wonderful downtown events. The sight, sounds and smells that come along with grid-locked commuter traffic, or speeding vehicles during off hours, was not one of the appealing features that brought us downtown.

I will say living downtown I rarely use Monterey between Main & 5th for any sort of commuting. I only travel that section of Monterey when I am being nosy and want to check out the downtown scene. Being East of Monterey - I take Depot to either Main or Dunne for all of my commuting needs. I don't think commuter preference should come at the cost of improving the heart of our downtown. It is a valuable asset that deserves our attention and it's development is good for property owners, business owners, and Morgan Hill as a whole.

I hope that we move forward with this proposal. And I hope care is taken to ensure the improvements fit the visual language of our downtown and are well thought out with quality, sustainability, functionality & cohesiveness in mind. I think it would be easy to not do this right, so I hope we partner with experts in the field to ensure this is a real improvement to downtown.

Thanks for your time.

Best wishes,
Amber Vo

From: Armando Be <[REDACTED]>

Sent: Monday, May 17, 2021 7:03 PM

To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>; Yvonne Martinez Beltran <yvonne.martinezbeltran@morganhill.ca.gov>; Rene Spring <Rene.Spring@morganhill.ca.gov>; John McKay <john.mckay@morganhill.ca.gov>; Christina Turner <Christina.Turner@morganhill.ca.gov>; Gino Borgioli <Gino.Borgioli@morganhill.ca.gov>

Subject: ITEM 6: DOWNTOWN TRAFFIC CALMING AND MONTEREY ROAD LANE REDUCTION

Monterey Road is a regional transit point, historically and currently. It also serves as a major road for local residents to travel north and south of the city. Parents drive through it to take their children to nearby schools Britton Middle School and PA Walsh. Parents walk their kids to school through the intersection. That it is heavily traveled is indicative of its importance as a transit route. The reliance on that thoroughfare is even more crucial given the increase in high density housing that has spruced up throughout and around the corridor. There are major high density housing developments being built presently and many more slated in the near future, which will add hundreds if not thousand of vehicles in the Monterey corridor. And unfortunately, given the current CA government that has taken away local local control of developments, it can be anticipated that the city is going to experience a low income, high density housing boom. You cannot ignore that fact that the housing development is going to add cars in numbers that will overload all of our roads in and around the Monterey Road corridor.

The detrimental negative effects of choke points along 5 blocks of Monterey Road are not in the abstract. It was tried in 2015, despite all indications that choke points would cause havoc around the intersection. The concerns became a reality. Long lines of cars resulted from all roads leading away from the intersection. The delays became unbearable during the commute hours. Children were late to school and parents were late for work. We had an increase in traffic accidents and road rage became a norm as peoples frustrations surfaced. The city staff report says the delay was only for one minute. That must of been tabulated as an average time during commuter time and rest of the time. The fact is, everyone knows that presently during commuter time, it takes about 8-10 minutes to cross the intersection on a good day. Increased traffic congestion has a detrimental effect in the health and safety of those that live in or around the road congestion. It will be no different this time around.

The extreme traffic congestion and concomitant negative effect on drivers and the residents that live in and around the Monterey Road corridor became a reality and concern in the 2015 lane reduction, so much that then City Council, under the leadership of Mayor Tate, and after spending millions on the project, wisely decided to table the project, specifically voting to delay the matter until the Hale Avenue extension was open to traffic (now slated to 2023). It was hoped that the extension would mitigate the extreme traffic congestion that resulted from lane reduction. So we have tried it and it became a nightmare for those that lived in and around or traveled through the Monterey Road corridor.

It is noted in the staff report that the MHUSD, who also experienced complete traffic havoc in the 2015 experiment to reduce lanes, is not in favor of lane reduction this time. The school leaders know the importance of that corridor to move traffic north and south, especially given how close Britton Middle and PA Walsh schools are to the intersection and the havoc it would cause to parents and students and its transportation buses.

The staff report clearly evidences that their recommendation to choke off Monterey Road for five blocks is not favored by an overwhelming majority of voters. That was then in 2015 and it is now. The Reports alleges that more businesses are now aboard, but I question whether a serious effort has been made to tap into the preferences of business outside of the choke points. It appears that the City staff only sought the opinion of those business inside the traffic choke points.

I also have serious concerns about the staff recommendations that we spend COVID relief money on this project. Despite spending an inordinate amount of limited staff time and city resources on this

agenda item, it does not appear that the city has done a need assessment of the impact of COVID on business and residents throughout Morgan Hill. Yes, the City will have \$8.6 billion dollars, but it is crucial that the city undertake a needs assessment of the citizens, families, and local mom and pop business to establish a budget and priorities for how relief money will be spent. That money can be used to help residents with back rent and mortgage payment to avoid evictions, to pay unpaid utility bill to avoid the cutting of services, to pay for burial expenses and medical bill related to COVID, to help small business for the losses they suffered (loss of inventory and profit) and to help them pick up again, to procure food for those with insufficient funds, to provide counseling services, to spend on infrastructure like to improve internet service so more people can use online services. It is important to identify the needs with community participation, establish priorities, and develop a budget for how to spend those \$8.6 millions before we start to spend it.

I urge you to follow the precedent set under the leadership of Mayor Tate in 2015 and table the matter until the Hale Avenue extension is open to vehicle traffic. Mayor Constantine was a council member back then, so he has first hand knowledge that despite all of the assurances given by city staff that negative detriments would not materialize and would not be a problem, that was not the case and extreme traffic congestion conditions arose, so much that experiment was terminated early. Here, today, the same conditions exist and we have more traffic flowing through Monterey Road than in 2015. There is a significant danger that extreme traffic disruption in and around the choke points that will detrimentally affect the health and safety of those families who live around the Monterey Road corridor if you reduce the lanes.

Regards,
Armando Benavides

CC: Supporters

Morgan Hill Bicycle-Pedestrian Advisory Group

Morgan Hill Parks and Recreation Committee
17575 Peak Avenue
Morgan Hill, CA 95037

May 17, 2021

Morgan Hill City Council
Attn: City Clerk

RE: Monterey Road/Complete Streets Traffic Calming

Dear Morgan Hill City Council,

Please accept this letter as our support for the City of Morgan Hill's Complete Streets Program and the goal of improving pedestrian and bicycle safety on Monterey Road in downtown Morgan Hill.

The Morgan Hill Bicycle-Pedestrian Advisory Group was formed by the City of Morgan Hill's Parks and Recreation Committee to promote and work for improvements that facilitate safe cycling, running and walking for recreation and transportation. The Complete Streets Program/Traffic Calming measures that the City of Morgan Hill is proposing are directly in-line with this advisory group's goals and objectives. Vision Zero is the gold-standard by which all of our objectives are based and the Complete Streets Program directly aligns with the Vision Zero plans.

Even though the City of Morgan Hill did a pilot lane reduction program in 2015 yet did not make the plan permanent, the City Council at that time recommended revisiting the lane reduction in the future. COVID-19 has had a dramatic impact on our traffic patterns. Along with the construction of the Hale-De Witt connector, Morgan Hill is set up in a better situation than in 2015. In addition, the City of Morgan Hill can glean a lot of knowledge from other traffic calming implementations in neighboring communities to deal with mitigating cut-through traffic and improving signage to improve safe traffic flows.

Thank you for your consideration of The Complete Streets Program and we all look forward to a safer, quieter downtown Morgan Hill.

Sincerely yours,

Morgan Hill Bicycle-Pedestrian Advisory Group

From: [D. Muirhead](#)
To: [CC Public Comment](#)
Subject: comment City Council Meeting May 19, 2021 Item #6: Downtown traffic calming and Monterey Road lane reduction
Date: Monday, May 17, 2021 5:22:16 PM

Dear Morgan Hill City Council, Staff, and Residents,

A comment for City Council Meeting May 19, 2021

Item #6: Downtown traffic calming and Monterey Road lane reduction

I am strongly in favor in efforts to allow all of us to have multiples choices in the way we get around and for those choices to be safe and pleasant experiences, be you a fan of feet, bikes, skateboards, motorized chairs, or transit. And of course cars.

One of your written comments in the first packet ended with "Cars are not going away". And while it would be amusing to compare that attitude with those of the horse-and-buggy crowd on the "fad" of motorcars, that would miss addressing the real question for tonight.

The question tonight is not really about downtown. It is about who gets to make the decisions about what choices the rest of us have in choosing the way we get around and whether a particular choice is safe enough to be a real choice.

In my opinion, the City has done little in previous years to win hearts and minds for multi-mode travel options throughout the City. We have a General Plan (2016), a Park and Recreation Master Plan (2017), and a Vision Zero Strategic Plan (2018). Two other significant guidance documents are the Downtown Specific Plan (2009), and the Station Area Master Plan (2019).

Occasionally the Administration proposes a project and mentions Vision Zero or the Park and Recreation Master Plan as guiding documents. And some progress has been made with the Downtown Parks, the bicycle lanes and sidewalk improvements on E.Main, and the paving of part of the Madrone Channel trail.

We have very little ability to characterize how much use alternate modes of travel get, and I am not aware of any effort to do before/after data gathering for the E.Main and Madrone Channel changes. Yes, the pandemic changed behavior and made many things harder, but measurement should be a standard part of any travel-related project.

County Roads Senior Planner Ellen Tablo cited anecdotal evidence at the May 13 Traffic Safety Community Networks meeting about the increase in new walkers/bikers due to a greater sense of safety as a result of fewer vehicles on the roads and lower speeds in many neighborhoods.

The City Park and Recreation Master Plan (2017) has two organization

development and management categories that could provide the base for winning hearts and minds:

OM6. Continue to implement staff development and training programs on a wide range of topics such as customer service, cultural competency, health and fitness, senior and youth issues, and local history and culture.

OM7. Continue to engage all relevant City departments and divisions in planning, design, and programming, drawing on those unique and specialized skills and perspectives.

What relevant development and training has been accomplished? What are Best Practices for bicycle and pedestrian improvements and facilities? Are multiple departments working as partners on community engagement as well as project planning?

The City Vision Zero Strategic Plan (2018) has seven categories (Engineering, Enforcement, Education, Engagement, Evaluation, Encouragement, Equity) and 32 identified actions. How are we doing with those? Planner Tiffany Brown represents us on the new all-cities Vision Zero Task Force. What should we be hearing about that? MHPD Corporal Scott Silva appears to be our representative on Traffic Safety Community Networks. What should we be learning from that?

We have many people that respect how others are getting around. But in no way do I think that "sharrows" should be part of any of our streets. 2000 pounds of hard metal and plastic against 200 pounds of squishy stuff is not a contest in which I want to engage. And I consider myself to be a fairly confident recreational bicycle rider.

Let's have some equity in choice of travel modes. One travel lane and a "safety zone" to benefit bikers, pedestrians, diners, and shoppers through downtown.

Thank you for your consideration, Doug Muirhead, Morgan Hill

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May 5, 2021

Morgan Hill City Council
17575 Peak Ave
Morgan Hill, CA 95037

Morgan Hill Neighbors,

Life as we knew it before seems so distant and opaque in our rear-view mirror of 2021 that it is easy to focus on just trying to survive and overcome the near and present obstacles. We at Visit Morgan Hill know that to simply hope, or even expect, some return to normalcy without embracing positive and dynamic change will not accomplish the goals that our board has set forth. To improve Morgan Hill's tourism is to uplift our many businesses, organizations, and our valued residents to brighter times, and in turn our friends, families, and neighbors. The City's Economic Blueprint and Visit Morgan Hill's strategic plan are testament to the understanding of "tourism" as a sustainable, long-term driver for our city's future, and now in our current economic state, a potential lever for recovery.

When Visit Morgan Hill was formed with the purpose to be a catalyst for business/leisure overnight stays, we understood that increasing interest and demand for tourism in Morgan Hill would need to be multi-faceted, beyond hotels. Part of our strategy is to encourage and support the development of assets that create opportunities and reasons for people to visit Morgan Hill. Recently, we were excited to hear about a new Downtown Vision and Traffic Calming plan that could potentially help transform Morgan Hill into an even more vibrant and exciting point of interest in our community. These are steps that that numerous communities have capitalized upon to position themselves as trendsetters, showcase their downtown venues, and create a cohesive, marketable asset for the travel expected in 2021 as our state and county moves out of the pandemic. Locations like Campbell, Los Gatos, Willow Glen, and Hollister have already welcomed such changes, making them popular hot spots to locals and visitors. The safety, transportation, and placemaking improvements offered by these competitors could be a natural fit for Morgan Hill to implement to acquire increased visitation to businesses and similar success in destination recognition. It is time for us to make bold and immediate strides to create deserved advantages for our town and community through destination tourism. Re-imagining who we are as proposed in this new vision can unite all hospitality stakeholders and help lead us out of current hardships together, stronger, and ready to build back better than ever before.

As a board we are strongly encouraged by this prospect and look forward to seeing the feasibility reporting on this measure and the research our City Council, Downtown and Restaurant Associations put forward to the community to insure that collectively we are taking the right step together. We eagerly look forward to hearing more on this direction and joining in wholeheartedly to support this vision when all steps have been taken and voices heard.

Yours in dynamic growth and on behalf of the Visit Morgan Hill Board,

A handwritten signature in black ink, appearing to read "Michael D. Meredith", enclosed within a large, loopy oval shape.

Chairperson
Michael D. Meredith

May 6, 2021

Lesley L. Miles, AIA, LEED AP
Resident-540 West Dunne Ave,
Morgan Hill, California 95037
Architect
President of Weston Miles Architects

Architect, Developer, Contractor and
Owner of The Granary on Depot

Mr. Mayor, Council Members and Community,

There are two things: there's the fantasy and there is reality, The fantasy is a beautiful drawing that we as architects call a rendering. The reality is often quite different.

I have always been a proponent of one lane downtown as an opportunity for traffic calming. However, as an architect, I know that we always need to do the research. As owner of the Granary with 17 tenants that as a group pays an average of \$48k per year in city sales tax and this past year over 2 1/2% of the overall sales tax in the City, I know that my most important design tennet in developing the Granary was how to provide a fun, interesting, sustainable, educational and financially viable place that everyone in the community and guests will enjoy. But, most importantly I also evaluate the downtown as a parent, grandparent and long-term resident who lives in walking distance to the downtown .

The pandemic provided a unique temporary opportunity to truly create lemonade from lemons as Frank Leal would call it. The bright red umbrellas and loud music create a hip space with full size olive trees and string lights. Attracting young and old it has been a very popular venue. How cool! But, sitting above the sidewalk, we realized that our table would be within the new building, the edge of the elevated foundation that we were leaning over to chat is the cornerstone of a 56' vertical wall and per the plans, the main entry and restaurant at the back of the building facing the private area for guest drop off.

In contrast, Opa did a great job of designing the restaurant exterior space, acknowledging Monterey and embracing it but always cognizant of safety. The open elevated seating for those three restaurants is what makes sense.



On the other hand, the Granada Hotel has no intimate face to the downtown street, an urban design it does have large windows onto the sidewalk but not the restaurant space or an opportunity to interact with the streetscene other than the bar. The final built design and the soon to be constructed art gallery are not designed for our community. Somehow the concept of art galleries and limos doesn't jive with grubby pawed grandchildren enjoying our downtown center which we have always viewed as the heart of our community.



Instead per my call with Frank Leal the new buildings are designed to lure wealthy tourists to come and visit and stay in our quaint downtown and visit the wineries or attend an event. That is the reality.

Given the lack of connection of the buildings to the street and the community it is hard to understand what the point of narrowing to one lane each way would get us other than more traffic on Depot and the neighborhoods.

So how do we address the other existing restaurants that don't have large existing outdoor patios? Some of these spaces have been restaurants for the past 38 years that I can remember...In general they are small restaurants and in the case of Rosy's, pivoted to have a fun space in the back in order to provide additional outdoor seating as well sidewalk seating. For those restaurants that don't have much seating outside how do we create a safe usable space within the public right of way?

I understand that the pandemic gave us this unique opportunity but is it a knee jerk reaction? How do we design and engineer the downtown for the ultimate build out? How do we decrease noise and improve safety?

Clearly there are some simple things that we can do- Morgan Hill in general has lots of cars and motorcycles that are way too noisy and are not within legal limits for sound transmission. Narrowing may decrease some noise- but if your intent is to decrease noise, one lane is not going to make it go away. We need to have a more clear noise ordinance and ensure that it is met.

I am on the fence, if we can add parking- maybe diagonal like Livermore, who have done an excellent job developing their very similar downtown, add a bike lane and small well designed parklets for the small existing restaurants that allow for access to drainage structures then I think it may make sense to reduce to one lane.

However, given the potential for a substantial increase in local housing, unclear reasoning for the scope and type of design, limited City coffers and the world still in flux after just emerging from an unprecedented pandemic clearly more research is needed,

If the decision is for additional study, I completely support that. I do not support any change without undergoing either completion and update of the process that was started in 2015 or a development of a new process with all stakeholders downtown engaged and an understanding of potential funding for the work.

Thank you,

Lesley L. Miles AIA LEED AP

From: [Brian](#)
To: [CityClerk](#)
Subject: Complete streets
Date: Wednesday, May 5, 2021 6:41:32 AM

Hi,

My family purchased our forever home here in Morgan Hill 6 years ago. We love riding our bikes downtown for meals and engaging with the community. It would make us so happy to know that there would be less traffic and a safer environment for all! We would spend a lot more money downtown at local businesses if the complete streets project was approved.

Thank you for your time.

Brian Gadus


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From: [Sarah Gadus](#)
To: [CityClerk](#)
Subject: Complete Streets
Date: Wednesday, May 5, 2021 9:46:52 AM

To Whom it May Concern,

I am writing in support of the Complete Streets project.

I moved here with my family in 2015 during the initial Complete Streets trial. I loved how pedestrian and bike friendly downtown was, and how enjoyable it was to go out to eat outside. Since then, MH has added many new and upscale restaurants, but the noise and peril of the traffic on the downtown stretch of Monterey make it unpleasant to eat outside. Morgan Hill has a strong car culture, which is beloved by many residents and of course there is a place for it- it would benefit all residents if that place was not in the same place pedestrians walking, bike, eat, shop and play.

If Complete Streets was enacted downtown my family and friends would spend a lot more time and money there.

Thank you!

Sarah Northrup

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From: [Tom Guinane](#)
To: [CC Public Comment](#)
Subject: Downtown Traffic Calming
Date: Thursday, May 13, 2021 10:06:07 AM

Can you please table any decision on downtown traffic calming until AFTER the Hale Avenue extension is completed and an analysis can be completed on the effect of adding that additional thoroughfare? Until we understand if that extension reduces traffic through downtown, we cannot make an informed decision about changing the number of lanes. Thank you!

--

Tom Guinane
Morgan Hill Resident

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From: Larry Breniman <[REDACTED]>

Date: May 4, 2021 at 6:20:20 PM PDT

To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>, Rene Spring <Rene.Spring@morganhill.ca.gov>, Ginoborgioli@morganhill.ca.gov, johnmckay@morganhill.ca.gov, yvonnemartinezbeltran@morganhill.ca.gov

Subject: Monterey Street closure to accommodate restaurants.

City council members, I am opposed to the closure of Monterey to accommodate the restaurants. Instead of Mr Leal using "his" architect to render the public his vision for downtown MH, he should concentrate on finishing his hotel which is an eyesore that looks like a bombed out shell you'd see in Kosovo or Kabul. Apparently he has run out of funds or his backers have pulled the plug. We hashed out the street reduction in 2015 and the council heard the citizens and abandoned the concept. I attended several of those meetings.

Mr. Leal seems to think he has been anointed to speak for MH. If there isn't an ordinance on the books about how long a commercial building can be "in construction," there should be.

Larry Breniman

Morgan Hill

From: Toni Tryforos [REDACTED] >

Subject: Downtown Traffic Calming

Dear City Council Members - Many members of the MH community have expressed over and over their dismay with the signal lane proposal. You tried it before and it failed. We feel you've already made the decision and the survey is just a means of going through the motion of engaging the community. And yes there are people that think it's a good idea. It seems like Frank Lear and other developers are the heavy influencers. When is his hotel going to be finished? I recently heard he purchased a property in town that will be displaying several small owners!

I personally live off Cochran and Butterfield and it's frustrating hearing that traffic can be diverted to Butterfield! With the new shopping center going in and construction coming to the parcels on Butterfield and Jarvis that will be additional congestion. It's very disturbing that land is being marketed for industrial and warehouse space. That means big trucks and encouraging more heavy traffic. Voters were against the Shoe Palace monstrosity that looks hideous as you drive by 101.

We don't need to clog our open spaces with concrete boxes that will sit empty for years. We need more parks and open spaces for families to enjoy and more kid friendly activity places.

Sorry for the rant but MH is starting to lose it's charm and becoming too clutter with shopping centers and ugly structures. I moved away from that and hate seeing what is following me.

Regards,
Toni Tryforos

From: [Jen Smith](#)
To: [CC Public Comment](#)
Subject: Lane Reduction Downtown
Date: Tuesday, May 11, 2021 6:01:35 PM

To Whom It May Concern,

I submitted the survey regarding this issue and also wanted to email as well. I urge all the decision makers involved in this subject to research the epic failure that the “road diet” was for businesses and in general in downtown Willow Glen. They also went down to one lane, and I lived in downtown Willow Glen at the time. Traffic was a nightmare getting down the street, so people avoided Lincoln Avenue and went speeding down the side streets to get around it.

If you Google road diet willow glen you will see terrible feedback.

Here’s one:

<https://www.google.com/amp/s/katysblog.wordpress.com/2016/05/19/willow-glen-road-diet-failure/amp/>

Here’s a study stating traffic volume actually dropped after the road diet, not good for business, and not good for those that live close to there:

<https://transweb.sjsu.edu/sites/default/files/1629-road-diet-evaluation-design-lessons-learned-from-san-jose-lincoln-ave.pdf>

I moved to Morgan Hill when the road diet implemented because it was clear the city council didn’t listen to the community anymore. It was the last straw. Or just didn’t care. It made it impossible to visit there let alone live.

I’m a giant NO for the one lane idea.

Jennifer Smith

Sent from my iPhone

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From: [Nettie Letts](#)
To: [CC Public Comment](#)
Subject: Monterey Rd survey
Date: Wednesday, May 12, 2021 3:44:33 AM

Just the fact that your corrective memo about #9 only lists ways to slow traffic, provide safety and help businesses doesn't even mention traffic problems caused by reducing the number of lanes shows how biased the survey and people pushing to reduce lanes are!

Morgan Hill is a city of people, not just a downtown. What about the non-downtown businesses? They also would appreciate the support from the city of MH. The residents of MH would also like the respect of MH city officials to recognize that Monterey Rd. runs through the entire city, not just 5 blocks downtown. It is our only through street other than Hwy 101 and Butterfield.

When will the 60 room "hotel" with no parking be finished? Where is the parking for the north end of "Downtown"?

There are not enough parking spaces for all of the townhomes and attached homes in the city as it is. Look at the number of housing developments that have overtaken nearby streets and even the bus parking lot on Butterfield because there is no room for their cars.

No matter what MH city officials and downtown restaurants want, cars aren't going away!

Annette Letts
40 year resident of MH

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From: [Jennifer Correia](#)
To: [CC Public Comment](#)
Subject: Monterey Road & Downtown traffic
Date: Tuesday, May 11, 2021 5:10:37 PM

Thanks for the opportunity to speak up.

The charm of downtown Morgan Hill is better than most. The landscaping down the middle and all the lighting makes a HUGE difference in the ambiance, and of course the quality restaurants, polite and friendly people makes Morgan Hill standout. My husband and I made Morgan Hill our home 11 years ago, and it is one of the best decisions we have ever made. Although I live in Morgan Hill, I have worked for the City of Campbell for the past 15 years. I love Campbell, I lived in Campbell for 24 years before moving to Morgan Hill, and as much work as they have done to turn its downtown into a hotspot, it does not hold a candle to Morgan Hill.

Although I took the survey, I want to express my ideas further, since there was not an opportunity to in the survey:

- The two lanes of traffic on either side of Monterey road is a must. The *majority* of drivers drive the speed limit, are conscientious, and stop for pedestrian traffic. Downtown Monterey road is also a free marketing venue for our restaurants and stores! People drive slowly through downtown because they are people watching, admiring how beautiful our downtown is, and checking out all the amazing places to dine. Don't choke out free marketing!
- If you funnel this marketing opportunity down to one lane, people will lose their patience, and not bother. Honestly, when the one-lane experiment happened a few years back, it was a pain and a big turn-off. My husband and I dined less, and skipped Monterey altogether. My understanding is that the experiment was to encourage cyclists to ride through downtown! No thank you - that was a bust. First of all, many cyclists can be arrogant and rude. They don't stop for pedestrians, they don't ride like traffic laws apply to them. I know, I drive Hale to work, and in addition, there have been many bike races planned through my neighborhood. Cyclists have plenty of back roads to speed through - we don't need them riding through downtown in mass quantities -nor do they want to.
- If restaurants want expanded outdoor seating - which I think would be cool, what about the side streets? That is much more conducive to getting people out to walk! Take a look at Europe, and learn from the best! They are all about outdoor dining! Close some side streets, add string lights & awnings, add touches of landscape, more trees, and water features. Bring in local street musicians. Make leasing affordable enough to bring in cute exclusive "Morgan Hill" shops that feature t-shirts, aprons, garden hats, and other items that promote Morgan Hill. How about a kitchen store, a bakery, and flower shops! When people are done eating, give them a reason to linger in charming downtown Morgan Hill! That type of thing will draw the people, the money, and cause our local businesses to thrive.
- Finally, build more parking structures to support all the dining, We do not need to shut down our lovely thoroughfare through downtown. I feel that would be a big mistake.

Sincerely,
Jennifer Correia

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From: [Le Shek](#)
To: [CC Public Comment](#)
Subject: Monterey Road/Complete Streets Downtown Traffic Calming Communitywide Survey Update
Date: Tuesday, May 11, 2021 5:51:35 PM

Monterey reduced to one line complemented / supported by Hale extension to support traffic is a very good solution, imho.

Le Shek

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From: [LORI LOBUE](#)
To: [PIO](#)
Subject: Re: CLARIFICATION: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 4:50:30 PM

WE NEED PARKING DOWNTOWN ON MONTEREY ROAD

Sent from my iPhone

On May 6, 2021, at 4:13 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:



**Monterey Road/Complete Streets
Downtown Traffic Calming
Town Hall Meeting
Tonight, May 6, 2021, at 5:30 pm**



Hello Morgan Hill Community,

We want to hear from you! We invite you to join us for our Community Town Hall meeting tonight, Thursday, May 6th, at 5:30 pm, where City staff will share information gathered from the April 23rd Visioning Summit and the safety benefits that could result from reconfiguring Monterey Road and repurposing space for businesses and people to thrive, gather, connect, and improve economic vitality. You can watch the Visioning Summit video at <https://bit.ly/DowntownVisioningSummit>.

You can participate in tonight's virtual meeting at <https://bit.ly/Communitytownhall> or calling in to (669) 900-9128 and enter the webinar id: 828 0731 9295#.

CLARIFICATION:

Following tonight's Community Town Hall meeting, **at the City Council Meeting on Wednesday, May 19th at 7:00 pm**, staff will present options to

the City Council and community on how we can achieve traffic calming through Downtown and strategies to create a more walkable, accessible, safe, and inviting downtown.

Those members of the community that would like to participate in this meeting may do so by joining the virtual meeting at <https://bit.ly/MHCityCouncilMeeting> or calling in to (669) 900-9128, then enter the webinar id: 873 3200 8380#.

We hope you will join us for these important community conversations.

City of Morgan Hill | www.morganhill.ca.gov

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [ian_vansinderen](#)
To: [PIO](#)
Subject: Re: CLARIFICATION: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 4:19:20 PM

Please no! How many times do we need to reject these proposals for downtime just to have City Council bring it up again a few years later.

We like Monterey through downtown just the way it is.

Thank you,

Ian Van Sinderen



On May 6, 2021, at 4:13 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:



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City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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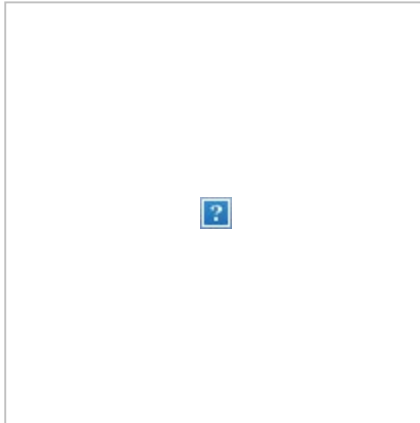
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From: [.Sandy Martin.](#)
To: [PIO](#)
Subject: Re: REMINDER: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 1:22:32 PM

PLEASE don't make downtown one lane--- it makes it impossible for us to stop and have dinner at one of your yummy restaurants when we travel from work in San Jose to Gilroy.

On Thu, May 6, 2021, 1:11 PM City of Morgan Hill <pio@morganhill.ca.gov> wrote:



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From: [civilite](#)
To: [PIO](#)
Subject: RE: REMINDER: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 3:27:08 PM

Hello.

I have a conflict tonight and cannot attend.

However I do have a note regarding the recommendation on reconfiguring:

I support the reduction in capacity of traffic volume ONLY after it has been addressed by alternate connectivity of LOCAL traffic through parallel route.

Meaning once santa teresa/ hale is completed through Morgan Hill

And

The Butterfield extension to Monterey road on the north end of Morgan hill.

Thank you for your time.

Regards,

Paul Pascoal

Sent from my Verizon, Samsung Galaxy smartphone

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

From: City of Morgan Hill <pio@morganhill.ca.gov>

Date: 5/6/21 1:03 PM (GMT-08:00)

To: civilite@aol.com

Subject: REMINDER: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm



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Downtown Traffic Calming
Town Hall Meeting**

Tonight, May 6, 2021, at 5:30 pm



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City of Morgan Hill | www.morganhill.ca.gov

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [David Shelton](#)
To: [CityClerk](#)
Subject: Street Plan
Date: Wednesday, May 5, 2021 7:12:18 AM

Good Morning, As a business owner in Morgan Hill and a former resident of downtown I am writing in favor of the plan. I had the pleasure of living in down town for three years, but was always shocked by how fast cars were traveling down Monterey. There were times we would be IN the crosswalk and count 5+ cars before someone would even slow down. Please put Morgan Hill livability ahead of people who chose to live south of Morgan Hills commute time..

Thanks

David Shelton

John S Shelton Company

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From: [Alan Johnson](#)
To: [CC Public Comment](#)
Subject: Survey
Date: Tuesday, May 11, 2021 6:41:52 PM

Hello,

My family lives in Morgan Hill. We have lived here for twelve years. So we have some experience watching the changes to the city.

I feel the Visioning for Monterey Road is not well thought out and is significantly biased. The survey supports the bias. If a survey is not going to be done correctly the value of the survey is void. You should neither use the data from it, nor the architectural drawings from a developer with a self interest in a single lane approach.

The city has already done one test with single lanes and it was not a roaring success. Why is this being discussed again?

Having two lanes of traffic through town with lots of traffic is worse than one lane with lots of traffic. But, who wants to sit out in the street at a table with bumper to bumper cars with exhaust coming towards your table, engine noises, radios and motorcycles. It is not and will not be an enjoyable sitting regardless of what developers indicate.

Given the age of the city, the buildings are too close together from East to West. The exhaust and noise is trapped in the valley between the hard surfaces of the buildings. Either two lanes or one lane will not change this physical architecture. Why wasn't any studies done on the impact of noise and pollution as part of the fundamental issues of the downtown thoroughfare?

Related to the buildings, between the number of empty/closed stores, turn over in some stores, there isn't a lot to drive us to down town where you want to spend a lot of time. You drive to eat and leave because there really isn't any big draws to keep you there (other than the food truck nights which was a big success for drawing people).

So there is very little use of someone whining about the existing situation and up coming situation of single lane in each direction because I sincerely doubt my email is going to stop it. But, in an effort to provide another solution rather than whining is this...

If you want to make Morgan Hill Downtown a cool place to go to draw more and better merchants similar to Los Gatos (you need some majors), help to move Cinelux? Finally the big finale -- close Monterey Road downtown in it's entirety. No cars, trucks or buses. Only allow bicycles or foot traffic. Reroute Monterey to Butterfield and around. Do the study to see what will it take (\$ and time) to really make a difference. Even Los Gatos or Saratoga won't or can't do this.

It takes patience and long term, maybe really long term thinking to accomplish something big like closing Monterey Road downtown, but difference between two lanes down to one lane with the same set of issues really isn't anything different. It is just expedient.

My apologies, if I was too coarse.

Sincerely,

Alan Johnson

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From: [Jody McRoberts](#)
To: [CC Public Comment](#)
Subject: Traffic Calming on Monterey Road in Downtown
Date: Wednesday, May 12, 2021 3:38:39 PM

Hello City Councilmembers,

I am writing to you regarding traffic calming on Monterey Road in downtown Morgan Hill. In general, I approve of reducing the traffic to one lane each way. But before that would take place, please consider the following two points.

- Please consider waiting to reduce traffic to one lane each way until after the Hale extension is completed. This will definitely help with relieving traffic downtown.
- Please study how the reduction of traffic through downtown will affect the side streets and neighborhoods surrounding downtown, especially to the west of downtown.

Thank you,

Jody McRoberts

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From: [hayseed1975](#)
To: [CC Public Comment](#)
Subject: traffic survey
Date: Wednesday, May 12, 2021 1:36:06 AM
Attachments: [Screenshot_20210426-215845_Facebook.jpg](#)

In regards to choking Monterey Rd, one more 'hell no' vote please.

I live on Hale, north of Tilton. In recent years traffic has become a noise nuisance and bady backed up on Hale.

That's Morgan Hill city's traffic, traveling to and from town.

Restricting city streets just diverts traffic out to rural and residential areas. We don't want your overflow here. Get off my lawn!

Thanks for all your diligent work.

Dave Walton

P.S. Attached is a picture that may actually be me as commute traffic wakes me four times a day.

Sent from my Metro By T-Mobile 4G LTE Android Device

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From: Art Kilinski <[REDACTED]>
Sent: Tuesday, May 11, 2021 4:05 PM
To: CC Public Comment <CCPublicComment@morganhill.ca.gov>
Subject: Downtown lane closure survey

Hello.

If this survey is not statistically significant, why even do it? It's written in leading language and it's obvious that you guys want the closures to happen.

Either create an unbiased survey or be honest that you're not listening to the public.

You already allowed giant warehouses to be built. You're filling up every inch of land with new homes and telling current homeowners to not use water.

It's obvious you don't care and someone is getting paid a lot of money to make these irrational decisions.

Why not just tell everyone to [REDACTED] off while you're at it. The way these projects are being run is an embarrassment and shows cowardly leadership.



May 19, 2021

Morgan Hill City Council
Attn: City Clerk

RE: Monterey Road/Complete Streets Traffic Calming

Dear Morgan Hill City Council,

Thank you for reviewing the Monterey Road Complete Streets Project. I am a Morgan Hill resident and a downtown business owner. In addition, I am a board member on the Visit Morgan Hill tourism board, a regular participant on the Morgan Hill Bicycle-Pedestrian Advisory Group and Team Director of the South County Composite interscholastic cycling team. This topic is very near and dear to me.

The COVID-19 pandemic has drastically altered our lives and how we live in our community. Many people no longer commute to work on a regular basis. Many have re-discovered the outdoors and are spending a lot more time appreciating how amazing our little town is and spending more time recreating on our streets, paths and trails. We're all enjoying the outdoor dining that COVID has demanded from us. With these changes, it's the perfect time to re-imagine how we live and how we want our downtown to meet our needs.

The current transportation structure on Monterey Road is less than ideal. We're lacking a designated bike lane through the downtown corridor ("sharrows" don't count!). The bike lane on Depot Street was removed. Pedestrians crossing four lanes of traffic in un-controlled intersections on Monterey is risky and frightening for both pedestrians and motorists as people in the crosswalks are often not visible due to a car in the adjacent lane. Now is the time to make traffic for all users safer through downtown.

As a former resident of Willow Glen, we survived the road diet there and, as challenging as their project was, everyone would agree that downtown Willow Glen is better for it now. The City of Morgan Hill can learn from their mistakes and proactively address cut-through traffic on side streets with proper signage that would minimize impact during commute hours and work on communication to the public ahead of any lane changes.

With Butterfield Blvd being in place and the Hale-DeWitt corridor upgrades in process, now is the time to make downtown Morgan Hill the safe, beautiful destination that it can be. Please support this Complete Streets Project to benefit our wonderful city's future.

Thank you for your consideration,

Doug Hall

CEO/Co-Founder

From: [Brian](#)
To: [CityClerk](#)
Subject: Complete streets
Date: Wednesday, May 5, 2021 6:41:32 AM

Hi,

My family purchased our forever home here in Morgan Hill 6 years ago. We love riding our bikes downtown for meals and engaging with the community. It would make us so happy to know that there would be less traffic and a safer environment for all! We would spend a lot more money downtown at local businesses if the complete streets project was approved.

Thank you for your time.

Brian Gadus
971-533-6820

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From: [Sarah Gadus](#)
To: [CityClerk](#)
Subject: Complete Streets
Date: Wednesday, May 5, 2021 9:46:52 AM

To Whom it May Concern,

I am writing in support of the Complete Streets project.

I moved here with my family in 2015 during the initial Complete Streets trial. I loved how pedestrian and bike friendly downtown was, and how enjoyable it was to go out to eat outside. Since then, MH has added many new and upscale restaurants, but the noise and peril of the traffic on the downtown stretch of Monterey make it unpleasant to eat outside. Morgan Hill has a strong car culture, which is beloved by many residents and of course there is a place for it- it would benefit all residents if that place was not in the same place pedestrians walking, bike, eat, shop and play.

If Complete Streets was enacted downtown my family and friends would spend a lot more time and money there.

Thank you!

Sarah Northrup

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From: [Maureen Cronan](#)
To: [CC Public Comment](#)
Subject: Content suggestion for meeting Wed!
Date: Saturday, May 15, 2021 5:01:28 PM

Hi there:

I just thought I would share a possible content question for the meeting on Wednesday.

There is almost daily, a major noise interruption by one or more cars that race down from the top floor of the public parking garage on 3rd and Monterey. Is there a way to tape off the top floor at a certain hour of the night or late afternoon?

It feels like American Graffiti every night but this is so not Modesto.

This noise headache cannot be enjoyed by diners on Monterey nor folks that live in the surrounding area. Seems like a simple fix.

Even post signs with a high fine threat if noise level is abused.

Thanks for listening,

Maureen

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From: Daniel_Redfield [REDACTED]
Sent: Tuesday, May 18, 2021 12:33 PM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Resident Feedback - Downtown Traffic Calming and Monterey Road Lane Reduction

To Whom it Concerns:

As an 11 year resident of Morgan Hill I have enjoyed watching and participating in the enhancement of our downtown and Monterey Road space. I have been able to witness the small non-descript businesses that lined the downtown, develop into a destination for Morgan Hill residents and bay area colleagues and friends. I would like to add my support to the current initiative to reduce the Monterey Road traffic between Main and Dunne and convert one lane in each direction to a cycle/walkable egress for downtown shops and restaurants that have been recovering from COVID-19 mandates, through the cities expansion of approval for outside dining through the use of sidewalk and curbside accommodations. I recommend we take the next logical step to make these outdoor spaces even more useful and enjoyable through downtown car lane reduction. I have visited many other cities that have struck the right balance of car access and bike/walk friendly blocks and as a whole the quality of life and the property value both tend to go up. I expect the same will be true for our city, and would ask that efforts be made to pass this initiative.

**Morgan Hill
CA**

**City Council Staff Report
3089**

Downtown Traffic Calming and Monterey Road Lane Reduction

Regards,
Daniel Redfield
[REDACTED]

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From: [Diane Oxtot](#)
To: [PIO](#)
Subject: Re: Monterey Road/Complete Streets Downtown Traffic Calming Survey - We want to hear from you!
Date: Monday, May 10, 2021 10:26:50 PM

This survey is a prime example of how people can manipulate the questions on a survey to get the results they want. Great lesson for HS students in statistics to understand why you can't look at data without taking a serious look at how the questions were worded.

Sent from my iPhone

On May 10, 2021, at 4:10 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:



Monterey Road/Complete Streets Downtown Traffic Calming Communitywide Survey

Hello Morgan Hill Community,

We want to hear from you! The City has conducted a series of meetings with the Downtown community and greater Morgan Hill community on the "Vision of Downtown," including how Monterey Road could be reconfigured to improve safety and how we can repurpose outdoor space for our community and businesses to thrive, gather, and improve economic vitality.

Before returning to the City Council on May 19th with a recommendation, we want to better understand the issues important to you. Please take a few minutes to complete this survey by Thursday, May 13th.

To complete the survey, visit <http://bit.ly/DowntownTrafficCalmingSurvey>.

For more information on the Monterey Road Complete Streets project, visit <http://www.morgan-hill.ca.gov/2023/Monterey-Road-Complete-Streets>.

Have a great week ahead!

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [Tom Guinane](#)
To: [CC Public Comment](#)
Subject: Downtown Traffic Calming
Date: Thursday, May 13, 2021 10:06:07 AM

Can you please table any decision on downtown traffic calming until AFTER the Hale Avenue extension is completed and an analysis can be completed on the effect of adding that additional thoroughfare? Until we understand if that extension reduces traffic through downtown, we cannot make an informed decision about changing the number of lanes. Thank you!

--

Tom Guinane
Morgan Hill Resident

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May 19, 2021

City of Morgan Hill Council Chamber
17555 Peak Ave
Morgan Hill, CA 95037

Re: Downtown Traffic Calming and Monterey Road Lane Reduction

Dear City of Morgan Hill Council Chamber,

Eden Housing is a non-profit affordable housing developer, owner, and operator with over 50 years of experience in tackling affordable housing from all angles with a current portfolio of approximately 10,000 apartment homes within 150 properties throughout California. Here at Eden, we believe that home is where your start is.

Every day, through our work, we create and operate the housing needed to make sure that our neighbors have a place to call home. Being a California based developer and headquartered in the high-cost Bay Area, we are clear about the need for safe affordable housing, and we want to do our part – alongside our partners, State, and local agencies – in helping bridge the gap for our communities. It is the sense of community that is a fundamental component in our founder's vision for Eden.

We currently own 285 apartment homes in the City of Morgan Hill that is home to 833 of our residents. Furthermore, we are the owner of the Skeels Building located on Monterey Road – that is home to some of our Morgan Hill residents and is the location for business owner Dan McCranie's Ladera Grill restaurant.

On behalf of Eden Housing, we stand with the City of Morgan Hill and local business owners in its effort to address safety concerns due to traffic speed on Monterey Road. It is our belief that not only will this create a safer environment for pedestrians, but it will also serve as an opportunity for local business to thrive by creating a more inviting environment and allowing for more outdoor seating space – while also embracing climate control measures by creating a dedicated lane for bikes, pets, and pedestrians. We continue to support the communities we serve, and we thank the City of Morgan Hill for its partnership and leadership in the community.

Sincerely,



Linda Mandolini,
President and CEO

From: Alex Vo <[REDACTED]>
Sent: Wednesday, May 19, 2021 6:14 PM
To: CityClerk <clerk@morganhill.ca.gov>
Cc: Wifey <[REDACTED]>
Subject: Street Calming Support

Hi,

My name is Alex Vo and I am a resident and business owner in the downtown business district on E. 5th street. I just wanted to share my support for the street calming efforts that has been presented to us and I feel like this would be a huge benefit for the community. As a downtown resident, I love walking our dogs throughout downtown and to imagine that Monterey road could be even more walkable allowing more space for pedestrians and bicyclists, I think this would be a huge benefit for residents and businesses in the area. I think it would encourage more people to explore the downtown area and encourage more opportunities to hangout and lounge in the beautiful outdoor seating spaces throughout the area.

I know there has been a lot of controversy on whether this would cause more traffic but as I personally come and go often for work, I normally take Depot St. to avoid traffic when needed and if I'm not in a hurry, I always drive through downtown to enjoy the tree lights and ambiance from our local restaurants and businesses. Allowing for slower traffic in this area would also give others the opportunity to take it slower and maybe notice restaurants or businesses that they have not explored yet. My wife and I frequent Los Gatos and Willow Glen often and we believe that Morgan Hill has the same opportunity to stand out in a similar way if given the opportunity. Thank you for considering my public comment and please let me know if there's anything I can do to further support the efforts.

Best,

Alex Vo
Producer / Director

ELEVATIVE

From: Erin Gil <[REDACTED]>
Sent: Friday, May 7, 2021 3:26 PM
To: Chris Ghione <Chris.Ghione@morganhill.ca.gov>
Subject: Downtown proposal to eliminate 2nd lane .

Good Afternoon Chris ~ Thank you for yesterday's presentation and opportunity to verbally participate.

A few observations: 1. I am in support of the project.

2. Traffic will continue to be a problem. Not because of what the City of Morgan Hill is attempting to do in improving it's downtown area; but, rather due to the lack of infrastructure available from major throughfares: Hwy 101, Monterey Rd., Hale Ave, Mckean Ave, etc. The bottleneck will continue until traffic improvements are obtained from the State of California.

3. Parking deficit. Unfortunately parking access from Butterfield (next to courthouse) is not emphasized enough to easily access DTMH. All too often street parking is sought after in residential areas due to the proximity to DTMH. Often patrons race down residential streets INSO parking that is limited and difficult to obtain. In many instances my driveway is blocked by unobservant patrons eager for any possible parking available. It has left me no alternative but to call on local PD for assistance. Thankfully a medical emergency has not happened where access was limited either by ability to leave or in need of being somewhere quickly. I do not look forward to such an event should it come about.

4. Safety. When you're driving downtown, please be aware of all of the visual safety 'obstacles' associated with the berm, landscape and monuments that present themselves. It is more often than not that a drivers are unable to see pedestrians until it is late and quicker braking is needed to avoid an accident and someone is injured. Speeding is involved in all of the quadrant encompassing Main Ave to East Dunne (south and north borders) and Depot Ave and Monterey Rd. (east / west borders). With the zero lot line development associated with Depot and 2nd avenues, all too often drivers are unable to see approaching traffic from the south and take action to avoid collisions. Pedestrians also become endangered due to excessive speed by those looking for a quick 'cut through' or rare on the street parking. Since living in DT since 1997, this is an unintended consequence of not having a full and complete development plan in place for DTMH. We can and must do better.

5. Noise. Traffic noise is well noted by callers. As a resident, there is a great deal of noise from many areas and should be listed for improvement. As an example: racing / side show cars surround the DTMH area on all streets at all hours of the night. Ambient noise from the echo chamber of MOHI is a problem. Delivery truck traffic and services have, so far, been acceptable but one can hear the sounds of such services all days between the hours of 5:00 am to 10:00 pm. For some residents, this is unacceptable.

6. Residents. In the quest to maximize profits and taxes for the DTMH as well as the City of MH, residents are left unattended to. As if they are an afterthought or a part of the 'city' infrastructure that is not queried nor listened to for feedback as to what may or may not work. Those who live within the DTMH structures may have some good thoughts on the problems that the DT areas possess. Just a thought.

Please pass this along to any and all who may wish to review.

Thank you for being there, listening as well.

Best,
Erin Gil

From: Hassti Tirgardoona <[REDACTED]>

Sent: Wednesday, May 19, 2021 8:49 PM

To: CityCouncil <CityCouncil@morganhill.ca.gov>

Cc: Chiquy Mejia <Chiquy.Mejia@mhcr.com>

Subject: [EXTERNAL] Youth Public Comment on Item 6: Downtown Traffic Calming and Monterey Road Lane Reduction

Councilmembers,

I was hoping to comment at today's council meeting. However, I did have to leave. Here are my thoughts:

A road diet will increase the safety of both pedestrians and drivers. Pedestrians will have fewer lanes to cross and it will reduce crashes. Beyond safety, it will also promote a cleaner Morgan Hill by creating a space for green transportation like walking and bicycle riding. I know the youth of Morgan Hill are all for any measures to reduce our carbon footprint. I do, however, have many concerns:

1. Will this plan support small businesses or will it benefit higher-end restaurants?
2. Will the real estate that will be available be used by businesses? In other words, who will receive the property.
3. Will the increase in traffic lead to citizens avoiding downtown and taking their business elsewhere?
4. Is this the best way to spend our resources? Perhaps we should come together as a community to see the issues that urgently need to be addressed through funding.

Thank you for all that you have done for our community and thank you for reading my comment.

It is always a pleasure.

Respectfully,
Hassti Tirgardoona

From: Steve Pace/USA <[REDACTED]>
Sent: Wednesday, May 19, 2021 7:22 PM
To: General <general@morganhill.ca.gov>
Subject: traffic calming/lane reductions

City Clerk,
I am in favor of the lane reduction/traffic calming measure.
Thank you, Steve

From: Mike Tangney <[REDACTED]>
Date: May 19, 2021 at 12:48:13 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Downtown development

Hello Rene,

Please stop spending disproportionate amounts of money on poorly thought out projects. This latest Monterey Rd development affects thousands for the benefit of a few.

My wife and I visit downtown regularly,
Often times we bring our grandchildren. We've never felt unsafe. I also cycle all over Morgan Hill.
Downtown is safer from a cycling standpoint than many other areas of the city. I'm insulted that the city seems to be pushing this project allegedly as a safety upgrade when it is obviously driven by developers interests.

Thanks,
Mike Tangney

From: Armando Be <[REDACTED]>

Sent: Wednesday, May 19, 2021 12:31 PM

To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>; Yvonne Martinez Beltran <yvonne.martinezbeltran@morganhill.ca.gov>; Rene Spring <Rene.Spring@morganhill.ca.gov>; John McKay <john.mckay@morganhill.ca.gov>; Christina Turner <Christina.Turner@morganhill.ca.gov>; Gino Borgioli <Gino.Borgioli@morganhill.ca.gov>

Subject: ONE MINUTE DELAY?? MONTEREY LANE REDUCTION AGENDA ITEM>

Dear Mayor Constantine, Council Members, and City Manager.

Below is a list of housing projects currently under construction or in the process of being approved. Many more to come. Closing down a major thoroughfare for five blocks while inundating the entire corridor with new houses is not the way to go.. Local residents use those streets in the corridor to get their kids to nearby schools, to go shopping, to transit out of town. It is a highly congested intersection without traffic choke points. A couple of thousands more cars are going to be a reality once this soon to be completed developments are sold and new residents move in. And we know thousands more are in the pipeline with no way for the CC to do anything but approve.

<http://www.morgan-hill.ca.gov/DocumentCenter/View/38915/Significant-Projects---May-2021> • 389 Apartments, including 78 very low-income • Design Permit approved, grading underway • <http://www.morgan-hill.ca.gov/1959/Morgan-Hill-Apartments> Morgan Hill Apartments (Braddock and Logan) 3 • 101 Townhomes • Design Permit and Building Permits approved • Construction underway • <http://www.morgan-hill.ca.gov/1978/Monterey---City-Ventures> Monterey Gateway (City Ventures) 4 5 Housing Projects Submitted or Pending Monterey-Madrone (Jemcor) 6 • 249 units - 100% Affordable – Density Bonus & SB330 • Application Complete – next step CEQA review • <http://www.morgan-hill.ca.gov/2096/Monterey-Madrone-AffordableHousing-Deve> Crossings at Watsonville Road (UHC) 7 • 73 units - 100% Affordable – Density Bonus & SB330 (no density bonus, only concessions) • Application Complete – CEQA underway • <http://www.morgan-hill.ca.gov/2082/Watsonville-Hordness-Crossings-atMonter> The Magnolias (First Community Housing) 8 • 66 units - 100% Affordable – Density Bonus and SB330 • Application under review - next step CEQA review • <http://www.morgan-hill.ca.gov/2142/Monterey---First-CommunityHousing-Magno> Monterey-Manzanita Park (Dividend) 9 • 67 units • Application Complete – CEQA review underway • <http://www.morgan-hill.ca.gov/2074/Manzanita-Park> Morgan Hill Senior Housing (Beacon) 10 • 82 units – 100% affordable - low-income senior apartments • Design Permit Approved • Demolition Permit approved • <http://www.morgan-hill.ca.gov/2016/Morgan-Hill-Senior-Housing> Crosswinds (Dividend) 11 • 269 units • Environmental review underway • <http://www.morgan-hill.ca.gov/2042/Half-Dividend-CrosswindsResidential-Dev> New Horizons (Morgan Hill Devco) 12 • Proposed General Plan & Zoning amendments • Environmental underway • <http://www.morgan-hill.ca.gov/2041/Hill---Morgan-Hill-Devco-LLC> Cochrane Shopping Center (Browman Development) 13 • Proposed General Plan amendment and additional housing units as part of Planned Development Amendment for Phase 2 • Environmental Review underway • <http://www.morganhill.ca.gov/2069/Cochrane-Commons> Spring - Giancola 14 • 23 units • Application Complete – CEQA review underway Tennant - Osito 15 • 16 units • Design Permit

approved • <http://www.morgan-hill.ca.gov/2066/Tenant-Osito> Other Housing Projects 16
Dakota-Dunne – 4 units • Application pe

Regards,
Armando Benavides

From: Laura Gonzalez-Escoto <[REDACTED]>

Sent: Sunday, May 16, 2021 5:00 PM

To: Edith Ramirez

Subject: Monterey Corridor Project

Just a few quick notes/input on the Monterey Corridor Project:

- Early warning signage. Signage heading south, in particular, warning that Monterey will become one lane, should begin long before Main and Monterey. I wish we could reduce the lanes at Britton as now students run across 4 lanes to get donuts! And they are so easily distracted. We have been lucky that there has not been pedestrian accidents.
- Delivery Trucks: A common sight along Monterey Rd. is for delivery trucks to park on one lane of Monterey Rd. to make deliveries. They figure cars can simply go around them. This will be a challenge as side streets are also 2 lanes and have a mix of residential and businesses. We will need to spend some time re-routing delivery trucks to safe places for traffic, pedestrians and residences.
- "Gotta Getaway": Likely drivers will look for ways to develop a short cut to avoid Monterey Rd. where it narrows down. West Main is a school route to Britton, PA Walsh, and St. Catherine's. Those living west of Monterey Rd. along Del Monte and the side streets, and those off of Depot, may find it difficult to drive west on Main to deliver their kids to school.
- I strongly support strengthening our vital business district and recognize the downtown is the heart of the City. Having worked in Redevelopment in Morgan Hill in its infancy, this is the area we put our attention to. We also invested in Butterfield as we foresaw the potential of the Downtown. The one lesson I learned early on is that we need to intentionally involve everyone in the areas we seek to improve. That is why when I retired I requested a change to the Downtown Association Charter to reserve at least one seat for a downtown resident. Maybe we can think about ways to hear from downtown residents as we move forward.

Thanks Edith.

From: Art Kilinski <[REDACTED]>
Sent: Tuesday, May 11, 2021 4:05 PM
To: CC Public Comment <CCPublicComment@morganhill.ca.gov>
Subject: Downtown lane closure survey

Hello.

If this survey is not statistically significant, why even do it? It's written in leading language and it's obvious that you guys want the closures to happen.

Either create an unbiased survey or be honest that you're not listening to the public.

You already allowed giant warehouses to be built. You're filling up every inch of land with new homes and telling current homeowners to not use water.

It's obvious you don't care and someone is getting paid a lot of money to make these irrational decisions.

Why not just tell everyone to [REDACTED] off while you're at it. The way these projects are being run is an embarrassment and shows cowardly leadership.

From: Eric Wallace <[REDACTED]>
Sent: Monday, May 17, 2021 9:52 PM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Eric Wallace - Monterey Road Complete Streets Program

To: Morgan Hill City Council

I've been a property owner and proud resident of Morgan Hill since 1978. I opened my business in Downtown Morgan Hill in 1988.

Over the last 33 years I've watched our Downtown blossom into a destination where people want to visit, frequent the restaurants and shop.

I've been a member of the MHDA since 2006, served as President and Board Member, I've continued to be an active member and volunteer for the organization.

I was a MHDA Board member during the 2015 Traffic Calming and Lane Reduction study. I'm supporting the vision for the Monterey Road Complete Streets program. A vision to create a safe downtown for our community members from a pedestrian and gathering perspective. I supported the program in 2015 and am just as supportive today.

I'm asking the City Council members to please consider approving the Monterey Road Complete Streets vision by implementing the traffic calming and lane reduction design.

Thank you for your consideration. Eric Wallace

From: Larry Breniman <larrythekid1946@yahoo.com>

Date: May 4, 2021 at 6:20:20 PM PDT

To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>, Rene Spring <Rene.Spring@morganhill.ca.gov>, Ginoborgioli@morganhill.ca.gov, johnmckay@morganhill.ca.gov, yvonnemartinezbeltran@morganhill.ca.gov

Subject: Monterey Street closure to accommodate restaurants.

City council members, I am opposed to the closure of Monterey to accommodate the restaurants. Instead of Mr Leal using "his" architect to render the public his vision for downtown MH, he should concentrate on finishing his hotel which is an eyesore that looks like a bombed out shell you'd see in Kosovo or Kabul. Apparently he has run out of funds or his backers have pulled the plug. We hashed out the street reduction in 2015 and the council heard the citizens and abandoned the concept. I attended several of those meetings.

Mr. Leal seems to think he has been anointed to speak for MH. If there isn't an ordinance on the books about how long a commercial building can be "in construction," there should be.

Larry Breniman

Morgan Hill

From: Toni Tryforos <ttryforos28@gmail.com>

Subject: Downtown Traffic Calming

Dear City Council Members - Many members of the MH community have expressed over and over their dismay with the signal lane proposal. You tried it before and it failed. We feel you've already made the decision and the survey is just a means of going through the motion of engaging the community. And yes there are people that think it's a good idea. It seems like Frank Lear and other developers are the heavy influencers. When is his hotel going to be finished? I recently heard he purchased a property in town that will be displaying several small owners!

I personally live off Cochran and Butterfield and it's frustrating hearing that traffic can be diverted to Butterfield! With the new shopping center going in and construction coming to the parcels on Butterfield and Jarvis that will be additional congestion. It's very disturbing that land is being marketed for industrial and warehouse space. That means big trucks and encouraging more heavy traffic. Voters were against the Shoe Palace monstrosity that looks hideous as you drive by 101.

We don't need to clog our open spaces with concrete boxes that will sit empty for years. We need more parks and open spaces for families to enjoy and more kid friendly activity places.

Sorry for the rant but MH is starting to lose it's charm and becoming too clutter with shopping centers and ugly structures. I moved away from that and hate seeing what is following me.

Regards,
Toni Tryforos

From: [Janet Ferreira](#)
To: [PIO](#)
Subject: Re: Monterey Road/Complete Streets Downtown Traffic Calming Survey - We want to hear from you!
Date: Tuesday, May 11, 2021 9:16:17 AM

I've taken your survey, but neglected to include a note in the "Other" space. Again, I was very opposed to the 2015 calming efforts. But after living with it for awhile, I actually did find it more pleasant and peaceful. With one exception: traffic speeding through on Monterey Road. If you do choose to go ahead with the project, I would ask that the city provide much more frequent police monitoring and to cite speeding drivers. The environment of our charming downtown will not improve much if speeders are allowed to fly through those few blocks.

Sent from my iPad

On May 10, 2021, at 4:10 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:



Monterey Road/Complete Streets Downtown Traffic Calming Communitywide Survey



Hello Morgan Hill Community,

We want to hear from you! The City has conducted a series of meetings with the Downtown community and greater Morgan Hill community on the "Vision of Downtown," including how Monterey Road could be reconfigured to improve safety and how we can repurpose outdoor space for our community and businesses to thrive, gather, and improve economic vitality.

Before returning to the City Council on May 19th with a recommendation, we want to better understand the issues important to you. Please take a few minutes to complete this survey by Thursday, May 13th.

To complete the survey, visit <http://bit.ly/DowntownTrafficCalmingSurvey>.

For more information on the Monterey Road Complete Streets project, visit <http://www.morgan-hill.ca.gov/2023/Monterey-Road-Complete-Streets>.

Have a great week ahead!

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From: Joe Baranowski <[REDACTED]>
Sent: Wednesday, May 19, 2021 9:58 AM
To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>; Yvonne Martinez Beltran <yvonne.martinezbeltran@morganhill.ca.gov>; Rene Spring <Rene.Spring@morganhill.ca.gov>; Gino Borgioli <Gino.Borgioli@morganhill.ca.gov>; John McKay <john.mckay@morganhill.ca.gov>
Cc: Christina Turner <Christina.Turner@morganhill.ca.gov>; Edith Ramirez <Edith.Ramirez@morganhill.ca.gov>; Michelle Bigelow <Michelle.Bigelow@morganhill.ca.gov>
Subject: Monterey Complete Streets deserves an Incomplete - especially regarding Public Safety

Hello council members:

At the April 23rd "Visioning Summit", Mr. Leal was the only person to provide a concrete rationale for redesigning Monterey road through downtown saying: "The goal is, is to get folks to come here on the weekends, enjoy our farms, our wineries our retail shops and then go back home. Spend your tax revenue, let's earn some tax revenue, go back home so we can build less houses, less fire department and police and all that, let's just get em here spending their money and they can go back."

That for-profit businesses end goal is to increase sales in their enterprise should surprise nobody and when successful does have the benefit of increasing sales tax which is a public benefit. Improving walkability, connecting people, making a five-block area safer for bikes and pedestrians, "slowing the roll" and all the other hyperbole that is being tossed around become means to the end.

However, no data has been presented to show that "traffic calming" by itself will achieve that goal. The previous lane reduction in MH did not increase sales and data available to the public from Willow Glenn [1] showed a marginal ~2% increase in restaurant sales compared to other parts of the City and no benefit to other retail. Despite a lot of hand-waving about the impact on 'economic vitality' road diets have had in other locations, City Staff has presented no real, verifiable data to support those claims. Why? Attached to the agenda item is a Bloomberg article showing greater *consumer interest* "based on the amount of views, posted photos and user reviews on Yelp listings" which, I hope, isn't something that a decision to allocate hundreds of thousands of dollars or more would be based on.

Whether it be in recognition that traffic-calming does not achieve his goal or for other reasons, Mr. Leal "raised the bar" and produced a rendering of a major redesign that includes parklets – essentially the conversion of public space for the use by the few private businesses who just happen to be lucky enough to be facing the portion of Monterey where the parklets will be located. The City took his cue and a request to revisit traffic calming turned into something much different. That extra real-estate, allowing for greater guest capacity, may make it possible for restaurants to increase their revenue when traffic-calming by itself does not is rather obvious and may be a good idea. Of course, "raising the bar" also significantly raises the cost to complete the project AND creates an exceptionally large number of additional questions.

Unfortunately, after that 'visioning summit', the discussion by proponents turned to one as if safety, protecting our families and preventing accidents is the only thing under consideration. Until the staff report was released, there was almost zero transparency and zero information on what the traffic calming projects is in totality – an attempt to get folks to come here on the weekends and increase tax revenue with the conversion of public space for private use as the key. Now you are being asked to approve funding of \$50,000 "for initial funding of Engineering and Design consulting work" while being told "future costs for the program may range from

\$200,000-\$400,000 depending upon the ultimate project scope” and “it is estimated a semi-permanent installation designed to transition to a permanent installation could cost over \$200,000-\$400,000 to initiate.”

May range? Could cost \$200K - \$400K to initiate? To address the total INCOMPLETENESS of this request, especially focusing on the complete lack of any clear policy for overall use of American Rescue Plan (ARP) funds or even a mention of plans for how the more than a hundred other restaurant and hotel businesses in MH who have been impacted by COVID-19 and are deserving of assistance from ARP funds will be helped is not necessary. In my opinion approving the requested actions, in this budget environment, based mostly on hyperbole and with no concrete deliverables or accountability for future fund requests would be so irresponsible it is shocking that it is even being requested.

I do however wish to point out the disregard for public safety embedded in the proposal. In order to ‘explain’ why the last time this was tried failed to achieve the real goal the “this time is different” story is being used. Here are some things that are different that have **not** been mentioned:

- 1) Shoe Palace’s 500,000 square foot, 64-dock distribution center is built.
- 2) Trammel Crow’s 410,000 square foot, 51-dock warehouse on Butterfield is under construction with a completion target date of early 2022.
- 3) High-density housing, with a unit increase of 80% above what was originally allowed for is expected to be built at Madrone Parkway and Monterey .
- 4) COVID-19 impact on Evergreen Village is likely going to ask for a “transition” to something other than retail - meaning more residential is likely.
- 5) Same for Target Phase 2 whose developer is requesting General Plan and Zoning Amendments to allow conversion to residential units over a substantial part of the project.
- 6) The 2019 Standards of Coverage for Fire & EMS services is complete with the results accepted and well-known which concluded that:

- traffic congestion affects response times in core areas of the City
- a third staffed fire station is needed to meet current demand generally accepted
- response time standards and average unit travel times are 2-3 minutes slower than generally accepted standards.

On January 24, 2020 the *current* situation *then* was summarized by Chief Hess: “we are looking at what are some ways we can pivot to have a more nimble response time for these EMS calls, but it doesn’t negate the need for the 3rd company. And example is, if you look at, the troops in the stations, they’ve been telling me you need a station out by Target on the other side of 101, that’s where all the growth is, we’re totally unprotected out there and I tell then that’s true however having the 3rd station at Butterfield and Dianna will get us an effective response out to that area right now because we’ve already shown the need, the majority of our calls, 68% of our calls I the City are medical.”

Now, while addressing what is supposedly an urgent and high priority need to improve the street safety of a five block area of downtown, in order to alleviate residents concerns about traffic the staff promises that “should the Lane Reduction Program move forward, City staff and consultants would develop a comprehensive plan to support the movement of traffic off Monterey Road and to Butterfield” while using a who knows what was even measured ‘data point’ from the 2015 pilot that “showed no reduction in emergency response time and through the design process the City would work to continue to achieve that goal”. This is truly remarkable. A ‘plan’ to move more traffic to an area that is already a main point of Fire and EMS response time concern based on a detailed study that was done in 2019 and by ANY reasonable assumption has already become and is going to become much worse.

Until the third fire station is built and staffed EVERYTHING POSSIBLE to reduce adding to the already highly congested Butterfield/Cochrane area that would make the “totally unprotected” northeast quadrant of the City subject to even worse Fire & EMS response times should be a highest priority in every decision regarding new projects and their impact. Instead, the exact opposite is being done yet again and the dichotomy between priorities and principles in Public Safety could not be starker.

The complete streets project proposal being presented is incomplete at best, has not addressed equity or fairness in allocation of ARP with other impacted businesses, leaves the long term budget consequences completely unknown and unbounded, suggests a ‘solution’ to appease public concern regarding traffic that will certainly make a well-known problem with Public Safety in a large swath of the City significantly more dangerous and should be rejected.

Regards,

Joe Baranowski

[1] This detailed report from June 2016, is a summary of traffic (mostly) and economic related impact which the LINCOLN AVENUE ROADWAY CONFIGURATION PILOT PROJECT had after one year. It is the only report I was able to find after quite a bit (but not exhaustive) searching and this report is referenced quite a bit in other news reports.

http://sanjose.granicus.com/Viewer.php?view_id=&event_id=2142&meta_id=581818

The report says: “The City of San Jose currently has access to three quarters of sales tax data (Q2, Q3 and Q4 2015) since the pilot project was implemented on February 27, 2015. The dataset covers all businesses on Lincoln Avenue between Lonus and Minnesota Avenues, as well as businesses on Minnesota Avenue approximately one block to either side of Lincoln Avenue, roughly between Blewett Avenue and Iris Court. This area corresponds closely to the portion of Lincoln Avenue affected by the pilot roadway configuration.”

And then it goes on to list these “key findings”:

- Total sales tax receipts in the three quarters of 2015 since the pilot was implemented are slightly higher than in the same quarters of 2013 and 2014 prior to the pilot.

- “Food Products,” a category that includes restaurants, grocery stores, specialty food stores and liquor stores, are the largest contributor to sales tax in the Business District, accounting for approximately half of total sales tax receipts.
- Sales tax receipts in the Food Products category have been increasing in the Business District over the past three years. Downtown Willow Glen Food Products tax receipts for Q2-Q4 2015 are 7.9% higher than the same period of 2014.
- “General Retail” sales tax receipts remained constant from Q2-Q4 2014 to Q2-Q4 2015. This category includes apparel, sporting goods, furniture, drug stores, jewelers, gift shops and other miscellaneous retail.

So, General Retail sales tax showed no increase and Food Products in the area where all the ‘traffic-calming’ was done increased by 7.9% (year over year) but notice the report did not reference what happened in the rest of the City. This article adds the missing context <http://www.cyclelicio.us/2016/san-jose-willow-glen-sales-tax-receipts-outpace-rest-of-city/>.

“City wide, sales tax revenue for restaurants is up six percent for the final three quarters of 2015 (April 2015 through December 2015), compared against the same period in 2014. By COMPARISON, restaurant revenue on Lincoln Avenue is up eight percent, or 30% more than the city as a whole.”

In summary there was a $(7.9 - 6) \sim 2\%$ absolute difference in food sales tax and 0% (no difference) in general retail. That report was after the first year of lane reconfiguration including the addition of a bike lane.

From: Joe Guerra <[REDACTED]>
Sent: Monday, May 17, 2021 12:25 PM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Monterey Road Complete Streets

Mayor Constantine and Members of the City Council.

I attended the recent workshop where the City talked about the possibility of making Monterey Road a complete street like the ones in Willow Glen and downtown Hollister. I have lived in Morgan Hill and still today drive through twice a week to go to our ranch near Henry Coe Park. I also have intimate knowledge of the complete street debate and implementation thereof in Willow Glen. I strongly support the pursuit of a complete street for Morgan Hill's downtown. There was much dissention in Willow Glen when the idea was floated there, but today I believe everyone would agree that not only can the street handle traffic just fine but it is dramatically more pedestrian friendly and has enabled very strong business growth by using the parking lanes for business use.

I look forward to the day when we can all stroll in downtown and casually dine without worry about speeding cars.

Thank you,

Joe Guerra, MPA
Guerra Solutions
(408) 307-7806

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From: John Razumich <[REDACTED]>
Sent: Wednesday, May 19, 2021 11:19 AM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Monterey Road / Complete Streets Traffic Calming

Council Members,

I'm writing to express my deep support for Monterey Road / Complete Streets Traffic Calming. My name is John Razumich, I am an owner at Imwalle Properties, and a Morgan Hill native. Our firm recently completed the Opa, Mo's, Willard Hicks and Tac-oh development at the corner of Monterey and Third. In addition we are the master tenant for Orange Theory Fitness and Coffee Guys and enjoy a working partnership with the city to maintain and operate the plaza and public connections to the 3rd Street garage.

Covid-19 has decimated our nearly 100 tenants with pronounced headwinds placed upon our restaurant and service sectors. Prior to Covid, the restaurants faced dwindling profit margins created by rising labor costs, food costs, and surging delivery app charges, which ultimately has necessitated increased sales volumes to break even. Fold in Covid-19, and restaurants have zero bandwidth to weather the continuous months of negative cash flow (despite free rent). With the lack of local, county, or state support, and limited PPP funds, landlords and tenants have been left to fend for themselves. We need your help.

We, as a landlord, have written off a notable amount of 2020 outstanding rent. It's the least we can do for our tenants, and it's not enough. By increasing dining seats and providing a safe and vibrant experience for patrons, it will catalyze the recovery and allow restaurants to begin unloading their heavy debt burden. Regardless of Covid, long term, this is the path forward to a sustainable and more vibrant downtown.

One of our major concerns (years ago) with downtown is the lack of outdoor dining. During much of California's good weather it's the preferred seating for our patrons. Morgan Hill's current public right of way configuration is holding it back. The sidewalk bifurcates outdoor dining areas forcing restaurants to awkwardly layout disjointed seating arrangements on both sides of the sidewalk and pushing pedestrians through tight patio dining areas. We ultimately had to use valuable land to create an outdoor dining patio and without that patio we would have never secured any of our tenants. This reconfiguration can give Restaurants the canvas needed to create vibrant and appealing outdoor dining that will serve well to activate downtown and foster new investment.

In the past, the primary objection to restaurants in a downtown was the "closed off" experience and nature of indoor dining. Outdoor seating (done right) creates that open ended interactive interface people want. It's the reason a downtown restaurant is preferred over a location in the back of a retail strip center. People want to be outside, run into friends, and be a part of the community and its vibrancy. Nobody wants to dine on an empty street or an inward facing restaurant. The city needs to adopt this change as downtowns are living breathing entities that need to accomodate changing consumer demands in order to thrive. Thank you for your time and consideration!

Regards,

John

John Razumich

Imwalle Properties

From: Karen Pace <[REDACTED]>
Sent: Wednesday, May 19, 2021 3:27 PM
To: CityClerk <clerk@morganhill.ca.gov>
Cc: Steve Pace <Steve.pace@cushwake.com>
Subject: Downtown Traffic Calming

To Whom it may concern:

My husband and I are writing in with support for Downtown Traffic Calming in Morgan Hill. We are Downtown property owners and feel Downtown tenants, restaurants and businesses will benefit from less traffic and a safe, welcoming and walkable Downtown.

Thank you for your consideration.

Karen and Steve Pace

From: [Jen Smith](#)
To: [CC Public Comment](#)
Subject: Lane Reduction Downtown
Date: Tuesday, May 11, 2021 6:01:35 PM

To Whom It May Concern,

I submitted the survey regarding this issue and also wanted to email as well. I urge all the decision makers involved in this subject to research the epic failure that the “road diet” was for businesses and in general in downtown Willow Glen. They also went down to one lane, and I lived in downtown Willow Glen at the time. Traffic was a nightmare getting down the street, so people avoided Lincoln Avenue and went speeding down the side streets to get around it.

If you Google road diet willow glen you will see terrible feedback.

Here’s one:

<https://www.google.com/amp/s/katysblog.wordpress.com/2016/05/19/willow-glen-road-diet-failure/amp/>

Here’s a study stating traffic volume actually dropped after the road diet, not good for business, and not good for those that live close to there:

<https://transweb.sjsu.edu/sites/default/files/1629-road-diet-evaluation-design-lessons-learned-from-san-jose-lincoln-ave.pdf>

I moved to Morgan Hill when the road diet implemented because it was clear the city council didn’t listen to the community anymore. It was the last straw. Or just didn’t care. It made it impossible to visit there let alone live.

I’m a giant NO for the one lane idea.

Jennifer Smith

Sent from my iPhone

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From: Laura Gonzalez-Escoto <[REDACTED]>

Sent: Sunday, May 16, 2021 5:00 PM

To: Edith Ramirez

Subject: Monterey Corridor Project

Just a few quick notes/input on the Monterey Corridor Project:

- Early warning signage. Signage heading south, in particular, warning that Monterey will become one lane, should begin long before Main and Monterey. I wish we could reduce the lanes at Britton as now students run across 4 lanes to get donuts! And they are so easily distracted. We have been lucky that there has not been pedestrian accidents.
- Delivery Trucks: A common sight along Monterey Rd. is for delivery trucks to park on one lane of Monterey Rd. to make deliveries. They figure cars can simply go around them. This will be a challenge as side streets are also 2 lanes and have a mix of residential and businesses. We will need to spend some time re-routing delivery trucks to safe places for traffic, pedestrians and residences.
- "Gotta Getaway": Likely drivers will look for ways to develop a short cut to avoid Monterey Rd. where it narrows down. West Main is a school route to Britton, PA Walsh, and St. Catherine's. Those living west of Monterey Rd. along Del Monte and the side streets, and those off of Depot, may find it difficult to drive west on Main to deliver their kids to school.
- I strongly support strengthening our vital business district and recognize the downtown is the heart of the City. Having worked in Redevelopment in Morgan Hill in its infancy, this is the area we put our attention to. We also invested in Butterfield as we foresaw the potential of the Downtown. The one lesson I learned early on is that we need to intentionally involve everyone in the areas we seek to improve. That is why when I retired I requested a change to the Downtown Association Charter to reserve at least one seat for a downtown resident. Maybe we can think about ways to hear from downtown residents as we move forward.

Thanks Edith.

From: Laura Gonzalez-Escoto <[REDACTED]>

Sent: Wednesday, May 19, 2021 3:17 PM

To: Edith Ramirez <Edith.Ramirez@morganhill.ca.gov>; Chris Ghione <Chris.Ghione@morganhill.ca.gov>

Subject: Tonight's Council meeting on lane closure in the downtown

I previously sent input to Edith. One more item. I believe the residents living near Wright and/SantaTeresa made an additional comment about pedestrian safety. With new apartments going up on Monterey, and more traffic soon to be diverted to Santa Teresa, it makes sense to improve this intersection to enhance safety. There are no overhead street lights there and many existing residents cross at the site to get groceries and other goods. As you know, the small shopping center at Main and Santa Teresa have invested in significant improvements. It is a very busy place! I hope that pedestrian safety at SantaTeresa and Wright can be completed and paid for as part of the Santa Teresa project. These are very legitimate concerns by an important but often neglected neighborhood in our City. Thanks.

Laura Gonzalez- Escoto

Sent from my Verizon, Samsung Galaxy smartphone

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From: [Margot Kakalec](#)
To: [PIO](#)
Subject: Re: Monterey Road/Complete Streets Downtown Traffic Calming Survey - We want to hear from you!
Date: Tuesday, May 11, 2021 3:48:03 PM

I did & I want 2 lanes each way, I just went through town Thursday & Friday & there were huge trucks delivering supplies to restaurants blocking one lanes 2 or 3 places in town. What happens if there is only one lane each way?????

Sent from my iPhone

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For more information on the Monterey Road Complete Streets project, visit <http://www.morgan-hill.ca.gov/2023/Monterey-Road-Complete-Streets>.

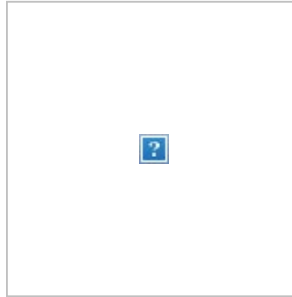
Have a great week ahead!

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From: Waxman, Mark <[REDACTED]>
Sent: Tuesday, May 18, 2021 1:37 PM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: downtown lane reduction

I understand that you are collecting the sentiments of residents for sharing with council prior to the discussion tomorrow and wanted to offer mine.

While I do understand the challenges of cross town commuting during commute hours, we have in front of us the opportunity to make Downtown Morgan Hill a truly desirable place, better for residents and businesses alike. Every city, every community, needs a SENSE OF PLACE, and our downtown is just on the cusp of becoming that. More walkability and more enjoyable outdoor dining is what we need! We've already invested our tax dollars in parking and businesses – now it's time for council to finish the job.

Make downtown Morgan Hill a truly desirable destination – reduce the traffic/eliminate the extra lane.!

Thanks for allowing me the opportunity.

Mark Waxman

From: [Nettie Letts](#)
To: [CC Public Comment](#)
Subject: Monterey Rd survey
Date: Wednesday, May 12, 2021 3:44:33 AM

Just the fact that your corrective memo about #9 only lists ways to slow traffic, provide safety and help businesses doesn't even mention traffic problems caused by reducing the number of lanes shows how biased the survey and people pushing to reduce lanes are!

Morgan Hill is a city of people, not just a downtown. What about the non-downtown businesses? They also would appreciate the support from the city of MH. The residents of MH would also like the respect of MH city officials to recognize that Monterey Rd. runs through the entire city, not just 5 blocks downtown. It is our only through street other than Hwy 101 and Butterfield.

When will the 60 room "hotel" with no parking be finished? Where is the parking for the north end of "Downtown"?

There are not enough parking spaces for all of the townhomes and attached homes in the city as it is. Look at the number of housing developments that have overtaken nearby streets and even the bus parking lot on Butterfield because there is no room for their cars.

No matter what MH city officials and downtown restaurants want, cars aren't going away!

Annette Letts
40 year resident of MH

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From: [Jennifer Correia](#)
To: [CC Public Comment](#)
Subject: Monterey Road & Downtown traffic
Date: Tuesday, May 11, 2021 5:10:37 PM

Thanks for the opportunity to speak up.

The charm of downtown Morgan Hill is better than most. The landscaping down the middle and all the lighting makes a HUGE difference in the ambiance, and of course the quality restaurants, polite and friendly people makes Morgan Hill standout. My husband and I made Morgan Hill our home 11 years ago, and it is one of the best decisions we have ever made. Although I live in Morgan Hill, I have worked for the City of Campbell for the past 15 years. I love Campbell, I lived in Campbell for 24 years before moving to Morgan Hill, and as much work as they have done to turn its downtown into a hotspot, it does not hold a candle to Morgan Hill.

Although I took the survey, I want to express my ideas further, since there was not an opportunity to in the survey:

- The two lanes of traffic on either side of Monterey road is a must. The *majority* of drivers drive the speed limit, are conscientious, and stop for pedestrian traffic. Downtown Monterey road is also a free marketing venue for our restaurants and stores! People drive slowly through downtown because they are people watching, admiring how beautiful our downtown is, and checking out all the amazing places to dine. Don't choke out free marketing!
- If you funnel this marketing opportunity down to one lane, people will lose their patience, and not bother. Honestly, when the one-lane experiment happened a few years back, it was a pain and a big turn-off. My husband and I dined less, and skipped Monterey altogether. My understanding is that the experiment was to encourage cyclists to ride through downtown! No thank you - that was a bust. First of all, many cyclists can be arrogant and rude. They don't stop for pedestrians, they don't ride like traffic laws apply to them. I know, I drive Hale to work, and in addition, there have been many bike races planned through my neighborhood. Cyclists have plenty of back roads to speed through - we don't need them riding through downtown in mass quantities -nor do they want to.
- If restaurants want expanded outdoor seating - which I think would be cool, what about the side streets? That is much more conducive to getting people out to walk! Take a look at Europe, and learn from the best! They are all about outdoor dining! Close some side streets, add string lights & awnings, add touches of landscape, more trees, and water features. Bring in local street musicians. Make leasing affordable enough to bring in cute exclusive "Morgan Hill" shops that feature t-shirts, aprons, garden hats, and other items that promote Morgan Hill. How about a kitchen store, a bakery, and flower shops! When people are done eating, give them a reason to linger in charming downtown Morgan Hill! That type of thing will draw the people, the money, and cause our local businesses to thrive.
- Finally, build more parking structures to support all the dining, We do not need to shut down our lovely thoroughfare through downtown. I feel that would be a big mistake.

Sincerely,
Jennifer Correia

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From: [Le Shek](#)
To: [CC Public Comment](#)
Subject: Monterey Road/Complete Streets Downtown Traffic Calming Communitywide Survey Update
Date: Tuesday, May 11, 2021 5:51:35 PM

Monterey reduced to one line complemented / supported by Hale extension to support traffic is a very good solution, imho.

Le Shek

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From: [LORI LOBUE](#)
To: [PIO](#)
Subject: Re: CLARIFICATION: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 4:50:30 PM

WE NEED PARKING DOWNTOWN ON MONTEREY ROAD

Sent from my iPhone

On May 6, 2021, at 4:13 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:



**Monterey Road/Complete Streets
Downtown Traffic Calming
Town Hall Meeting
Tonight, May 6, 2021, at 5:30 pm**



Hello Morgan Hill Community,

We want to hear from you! We invite you to join us for our Community Town Hall meeting tonight, Thursday, May 6th, at 5:30 pm, where City staff will share information gathered from the April 23rd Visioning Summit and the safety benefits that could result from reconfiguring Monterey Road and repurposing space for businesses and people to thrive, gather, connect, and improve economic vitality. You can watch the Visioning Summit video at <https://bit.ly/DowntownVisioningSummit>.

You can participate in tonight's virtual meeting at <https://bit.ly/Communitytownhall> or calling in to (669) 900-9128 and enter the webinar id: 828 0731 9295#.

CLARIFICATION:

Following tonight's Community Town Hall meeting, **at the City Council Meeting on Wednesday, May 19th at 7:00 pm**, staff will present options to

the City Council and community on how we can achieve traffic calming through Downtown and strategies to create a more walkable, accessible, safe, and inviting downtown.

Those members of the community that would like to participate in this meeting may do so by joining the virtual meeting at <https://bit.ly/MHCityCouncilMeeting> or calling in to (669) 900-9128, then enter the webinar id: 873 3200 8380#.

We hope you will join us for these important community conversations.

City of Morgan Hill | www.morganhill.ca.gov

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [ian_vansinderen](#)
To: [PIO](#)
Subject: Re: CLARIFICATION: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 4:19:20 PM

Please no! How many times do we need to reject these proposals for downtime just to have City Council bring it up again a few years later.

We like Monterey through downtown just the way it is.

Thank you,

Ian Van Sinderen
(408) 500-5430

On May 6, 2021, at 4:13 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:



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Downtown Traffic Calming
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Tonight, May 6, 2021, at 5:30 pm



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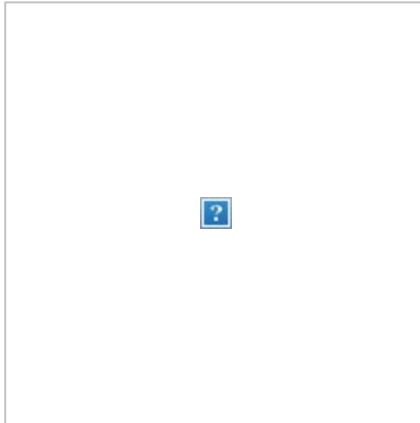
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From: [.Sandy Martin.](#)
To: [PIO](#)
Subject: Re: REMINDER: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 1:22:32 PM

PLEASE don't make downtown one lane--- it makes it impossible for us to stop and have dinner at one of your yummy restaurants when we travel from work in San Jose to Gilroy.

On Thu, May 6, 2021, 1:11 PM City of Morgan Hill <pio@morganhill.ca.gov> wrote:



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Downtown Traffic Calming
Town Hall Meeting
Tonight, May 6, 2021, at 5:30 pm**

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We hope you will join us for these important community conversations.

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From: [civilite](#)
To: [PIO](#)
Subject: RE: REMINDER: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 3:27:08 PM

Hello.

I have a conflict tonight and cannot attend.

However I do have a note regarding the recommendation on reconfiguring:

I support the reduction in capacity of traffic volume ONLY after it has been addressed by alternate connectivity of LOCAL traffic through parallel route.

Meaning once santa teresa/ hale is completed through Morgan Hill

And

The Butterfield extension to Monterey road on the north end of Morgan hill.

Thank you for your time.

Regards,

Paul Pascoal

Sent from my Verizon, Samsung Galaxy smartphone

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

From: City of Morgan Hill <pio@morganhill.ca.gov>

Date: 5/6/21 1:03 PM (GMT-08:00)

To: civilite@aol.com

Subject: REMINDER: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm



**Monterey Road/Complete Streets
Downtown Traffic Calming
Town Hall Meeting**

Tonight, May 6, 2021, at 5:30 pm



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From: [Rhonda Staton](#)
To: [PIO](#)
Subject: Monterey Rd/Complete streets
Date: Tuesday, May 11, 2021 8:47:36 PM

Hi there- I participated in the virtual town hall on 5/6. I posted some questions that weren't answered and it was mentioned that they would be answered by e-mail, but I have yet to receive an e-mail response.

So, I will pose those questions, and some additional ones here in hopes of getting a reply.

First of all, I'd like to say this was my first time participating in a meeting about this subject so some of this information and logic was new to me. To that end, I tend to be an analytical thinker by nature, and I found myself quite perplexed at times for a variety of reasons at the reasoning/justification used for some of this argument for the narrowing of the street, as it was clear that the entire presentation was leaning towards that as the only viable option that was being presented. What I took away from that meeting was that the claim is that this plan is really about safety, but also to increase foot traffic to the businesses, maybe not in that order. Based on that underlying understanding, here are my thoughts/questions/concerns:

1) Again it was clear that the presentation was not unbiased. However, towards the beginning there was an "option 1" presented, and an "option 2" presented, yet the majority of the rest of the presentation and discussion were ONLY about option 2 of reducing lanes; which seemed odd to me. If we have 2 options to chime in on, why weren't both options explored equally?

Just from a logistical, financial and logical perspective option 1 seems much more feasible, easier to implement and cheaper. Why not try stop signs and/or speed bumps, maybe even overhead blinking lighting (instead of only on the ground) at crosswalks? Why not try the cheaper option first? And see how that goes?? The only argument against option 1 presented later in the presentation was that it was tried before, and yet... so were lane closures (at least 2x since I've lived here); so that argument falls flat to me. If there were additional stop signs, it would inevitably slow traffic; which on the surface it seems is the ultimate goal; considering the majority of the argument that was repeated multiple times was about safety.

2) Speaking of safety, I don't remember statistics being presented about the safety incidents that have been occurring downtown related to traffic; thus the entire argument about the need for change. Maybe I missed it, but if there was such a huge problem of speeding, why is MHPD not visibly present downtown? I literally NEVER see them downtown unless all streets are blocked off and there is a festival going on. If speeding is such an issue, what about cameras that snap pictures and send tickets? What about visible police presence, in addition to my suggestion of #1. These seem to be logical problem solving solutions to a speeding problem. Are we saying that we have incidents of pedestrians being hit by cars and therefore we have a public safety issue here? If so, my guess is that these stats would have been presented.

3) What is the logic about trying to implement this before a known workaround will be done (Hale avenue)? Why is it being proposed to trying this before that's completed to see how much that alleviates traffic in downtown?? This doesn't make a lot of sense from a logistical standpoint since that plan is already in place, it seems.

4) It was stated during the presentation that the majority of people that use Monterey Rd don't live in our community. Please cite your sources. I find this really hard to believe, and wonder where this data gathering is coming from?

5) If the argument is truly for the safety of pedestrians, and the solution presented was to combine a lane where pedestrians and bikes share, this sounds similarly like a safety issue as well. Are there research studies that prove that this is safer than sidewalks and crosswalks?

Ultimately I was struck by the inferred assumption that most everyone that lives here works here, and the overarching denial that we are a commuter town. It sounds like people that live and work here got together and concocted this plan, because they don't want people driving through downtown; which seems to be the ultimate motivation.

However, the reality is that Morgan Hill IS a commuter town, any way you want to slice it. Shaming people for trying to get to/from work and have more time with family is irresponsible in my opinion. Instead, the marketing pitch could be about stopping and grabbing dinner for the family on your way home! Monterey Road is a thoroughfare and probably always has been. I totally understand wanting to have alternative options (like Butterfield and Hale), which can alleviate congestion on 1 route; but to further congest a route (by reducing lanes) when other options aren't totally available seems like we're missing the whole point. Except if the point is not really about safety, but instead about disincentivizing people for using a particular route.

Ultimately, I believe we are missing out on an opportunity, to embrace/own our identity as a commuter town. We could be deemed "the cutest little commuter town in the Bay Area"... but when we deny being a commuter town we miss this opportunity.

Similarly, if your claim is correct that people don't live here who are driving through... and their only viable options were 101 or only Butterfield (which is basically the admitted only alternative right now)... they'd never see our cute downtown and never want to come back to spend time here. Doesn't that defeat the purpose?

The reality is, people driving through any town are more likely to stop and grab something to eat etc. on their way through. If we had more quick options this could be even more enticing and encourage more stopping by for the commuters or anyone else.

Look at what happened when they re-routed route 66 in sections... people still go to the old route 66 in the sections where they can so they can stop at the little shops.

We also don't have any signage on the freeway about the positives of Morgan Hill, pointing people to how great our little town is. So, if we don't want commuters driving through AND we're not asking drivers to stop as they are going by on the 101.... another missed opportunity.

We are not Los Gatos, we'll never be, and goodness gracious I don't want to be. I keep hearing people trying to compare our downtowns, and it's not relevant.

I've lived here for 14 years within walking distance of downtown that entire time. For some of those years I worked in between San Jose and Salinas. For the last 9 years I've worked in South San Jose. I use 101, Monterey Rd and Hale or even around to Peak once I'm in MH, based on traffic. Everyone I know in MH does not work here. We are the commuters. Your neighbors.

Simultaneously, I have never seen an accident downtown, while commuting, or while

spending time downtown on evenings or weekends. I also have never seen police downtown. Additionally, the loud cars aren't just downtown, they speed up/down Dunne as well at all hours of the night... so it's not a noise problem that is specific to downtown.

On another note, after the town hall I took the survey and was rather disappointed in the skewed questions which clearly were meant to get responses that you want, even forcing answers for questions when I didn't agree with any options, but I couldn't submit it without answering the question.

So, besides the above, my overall feeling is a being left a bit disappointed in my town for not thinking critically (or presenting information in a critically thinking manner) , for presenting 2 options but only really talking about 1, for sending mixed messages about what the intent truly is...and for sending a survey that only serves the interests of those that want this to happen.

I wouldn't be opposed to any particular plan if it were thought through, logical, financially makes sense and presented in a manner where it is conveyed that you believe that the citizens of this town are educated, smart, bright, analytical individuals and can handle straight talk and key information.

Thank you,
A concerned Morgan Hillian...
Rhonda

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From: [Rob Zvara](#)
To: [PIO](#)
Subject: RE: Monterey Road/Complete Streets Downtown Traffic Calming Survey - Update!
Date: Tuesday, May 11, 2021 4:13:08 PM
Attachments: [image001.jpg](#)

The Survey answers were leading, I found the survey to be poorly implemented. I got the impression that Morgan Hill is not looking at what they have already done. Looking at what happened in the past is smart so History does not repeat itself.

Have you learned nothing from the "experiments" to reduce the lanes? Someone really needs to look at the impact it had the last time they did it and understand why it was changed back. There is a good reason why it did not work.

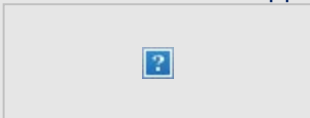
One suggestion I have not seen and that is to just close downtown during certain hours. Do not close it during commute hours, this will just make the commute into and through Morgan Hill a complete nightmare. May not be too bad right now but as more people return to work it will become a complete mess. You say it will force people to take other routes, this is true. Since the other routes are already congested it will make the traffic far worse. This will cause additional smog and be hard on the environment.

Also, since you plan to reduce parking, people that cannot walk far will now avoid downtown.

Another thing I have not heard mentioned is to run the train at night. Wouldn't that be a slick way to get people into Downtown without the additional traffic?

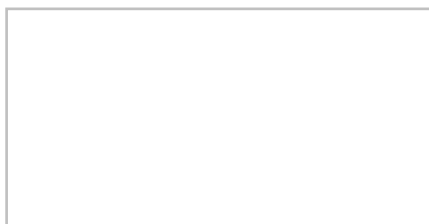
So many options and all you want to do is close lanes and eliminate parking. They really need to put someone in charge that is not trying to make the businesses happy at the expense of the local residents. Morgan Hill Downtown has such promise, please do not mess it up.

Rob Zvara
MeiVac Customer Support



Main (408)362-1000
Direct (408)414-4370
Mobile (510)508-8133
Web: www.meivac.com

From: City of Morgan Hill <michelle@mhcrc.ccsend.com> **On Behalf Of** City of Morgan Hill
Sent: Tuesday, May 11, 2021 3:51 PM
To: Rob Zvara <Rob.Zvara@meivac.com>
Subject: Monterey Road/Complete Streets Downtown Traffic Calming Survey - Update!



Monterey Road/Complete Streets Downtown Traffic Calming Communitywide Survey Update

Hello Morgan Hill Community,

We have heard you, and thank you for your feedback!

Yesterday, we released a community survey used to collect feedback from Downtown businesses, residents, and stakeholders to assist in the discussion around Traffic Calming, Business Recovery, and Safety for the Downtown Business District. Our intention was also to get feedback from the community at large. However, given the feedback we have received, it is clear we should have created a new/different survey for the community. Seeing that we received over 800 submissions on the first day, we will keep this survey open and throw out the question (#9) that had fixed answers on what the lane reduction could do and offered no opportunity to provide your own comments.

Please note that this survey is not statistically valid and is one tool to better understand what needs to be improved to support business recovery and improve safety Downtown. This is a part of our business recovery efforts and comes at the request of both the Downtown businesses that are struggling and the community that is asking for more gathering space and safety improvements. This survey is one of several data points that we will use to provide recommendations to the City Council on Wednesday, May 19th. In addition to this survey, to collect feedback from the community, the City hosted a [Visioning Monterey Road Summit on April 23rd](#) and a [Townhall meeting on May 6th](#).

A lane reduction has been identified as one of the best ways to slow traffic, improve safety, and create more space for the community and businesses. The City Council will review this approach along with any other staff recommendations and direct staff on how to proceed with Downtown improvements.

We appreciate the engagement and participation and encourage you to share your opinion by emailing us at ccpubliccomment@morganhill.ca.gov or attending the May 19th Council meeting.

If you have not already done so, please complete the survey by visiting <http://bit.ly/DowntownTrafficCalmingSurvey> by the end of the day Sunday, May 16th.

For more information on the Monterey Road Complete Streets project, visit <http://www.morgan-hill.ca.gov/2023/Monterey-Road-Complete-Streets>.

Thank you, and enjoy your week!

City of Morgan Hill | www.morganhill.ca.gov

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: Rose Lopez <[REDACTED]>
Sent: Monday, May 17, 2021 4:39 PM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Downtown Morgan Hill/Monterey Road Complete Streets

Dear Mayor Constantine and Members of the City Council,

Thank you very much for giving me the opportunity to weigh in on the "Complete Street Traffic Calming" on Monterey Road. I have owned a home in Morgan Hill for over twenty years and I wanted to show my support for making the downtown area pedestrian friendly and helping the small businesses there. Being able to easily traverse on foot through the downtown area to shop and enjoy a good meal has been a dream of mine ever since I moved to Morgan Hill. Experiencing a truly walkable downtown area in places like Los Gatos, the Alameda in San Jose, and the Willow Glen downtown, for example, clearly shows to me that it's very possible to do; making it simultaneously a more enjoyable and safer experience.

Sincerely,

Rose

From: [David Shelton](#)
To: [CityClerk](#)
Subject: Street Plan
Date: Wednesday, May 5, 2021 7:12:18 AM

Good Morning, As a business owner in Morgan Hill and a former resident of downtown I am writing in favor of the plan. I had the pleasure of living in down town for three years, but was always shocked by how fast cars were traveling down Monterey. There were times we would be IN the crosswalk and count 5+ cars before someone would even slow down. Please put Morgan Hill livability ahead of people who chose to live south of Morgan Hills commute time..

Thanks

David Shelton

John S Shelton Company

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From: [Alan Johnson](#)
To: [CC Public Comment](#)
Subject: Survey
Date: Tuesday, May 11, 2021 6:41:52 PM

Hello,

My family lives in Morgan Hill. We have lived here for twelve years. So we have some experience watching the changes to the city.

I feel the Visioning for Monterey Road is not well thought out and is significantly biased. The survey supports the bias. If a survey is not going to be done correctly the value of the survey is void. You should neither use the data from it, nor the architectural drawings from a developer with a self interest in a single lane approach.

The city has already done one test with single lanes and it was not a roaring success. Why is this being discussed again?

Having two lanes of traffic through town with lots of traffic is worse than one lane with lots of traffic. But, who wants to sit out in the street at a table with bumper to bumper cars with exhaust coming towards your table, engine noises, radios and motorcycles. It is not and will not be an enjoyable sitting regardless of what developers indicate.

Given the age of the city, the buildings are too close together from East to West. The exhaust and noise is trapped in the valley between the hard surfaces of the buildings. Either two lanes or one lane will not change this physical architecture. Why wasn't any studies done on the impact of noise and pollution as part of the fundamental issues of the downtown thoroughfare?

Related to the buildings, between the number of empty/closed stores, turn over in some stores, there isn't a lot to drive us to down town where you want to spend a lot of time. You drive to eat and leave because there really isn't any big draws to keep you there (other than the food truck nights which was a big success for drawing people).

So there is very little use of someone whining about the existing situation and up coming situation of single lane in each direction because I sincerely doubt my email is going to stop it. But, in an effort to provide another solution rather than whining is this...

If you want to make Morgan Hill Downtown a cool place to go to draw more and better merchants similar to Los Gatos (you need some majors), help to move Cinelux? Finally the big finale -- close Monterey Road downtown in it's entirety. No cars, trucks or buses. Only allow bicycles or foot traffic. Reroute Monterey to Butterfield and around. Do the study to see what will it take (\$ and time) to really make a difference. Even Los Gatos or Saratoga won't or can't do this.

It takes patience and long term, maybe really long term thinking to accomplish something big like closing Monterey Road downtown, but difference between two lanes down to one lane with the same set of issues really isn't anything different. It is just expedient.

My apologies, if I was too coarse.

Sincerely,

Alan Johnson

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May 6, 2021

Lesley L. Miles, AIA, LEED AP
Resident-540 West Dunne Ave,
Morgan Hill, California 95037
Architect
President of Weston Miles Architects

Architect, Developer, Contractor and
Owner of The Granary on Depot

Mr. Mayor, Council Members and Community,

There are two things: there's the fantasy and there is reality, The fantasy is a beautiful drawing that we as architects call a rendering. The reality is often quite different.

I have always been a proponent of one lane downtown as an opportunity for traffic calming. However, as an architect, I know that we always need to do the research. As owner of the Granary with 17 tenants that as a group pays an average of \$48k per year in city sales tax and this past year over 2 1/2% of the overall sales tax in the City, I know that my most important design tennet in developing the Granary was how to provide a fun, interesting, sustainable, educational and financially viable place that everyone in the community and guests will enjoy. But, most importantly I also evaluate the downtown as a parent, grandparent and long-term resident who lives in walking distance to the downtown .

The pandemic provided a unique temporary opportunity to truly create lemonade from lemons as Frank Leal would call it. The bright red umbrellas and loud music create a hip space with full size olive trees and string lights. Attracting young and old it has been a very popular venue. How cool! But, sitting above the sidewalk, we realized that our table would be within the new building, the edge of the elevated foundation that we were leaning over to chat is the cornerstone of a 56' vertical wall and per the plans, the main entry and restaurant at the back of the building facing the private area for guest drop off.

In contrast, Opa did a great job of designing the restaurant exterior space, acknowledging Monterey and embracing it but always cognizant of safety. The open elevated seating for those three restaurants is what makes sense.



On the other hand, the Granada Hotel has no intimate face to the downtown street, an urban design it does have large windows onto the sidewalk but not the restaurant space or an opportunity to interact with the streetscene other than the bar. The final built design and the soon to be constructed art gallery are not designed for our community. Somehow the concept of art galleries and limos doesn't jive with grubby pawed grandchildren enjoying our downtown center which we have always viewed as the heart of our community.



Instead per my call with Frank Leal the new buildings are designed to lure wealthy tourists to come and visit and stay in our quaint downtown and visit the wineries or attend an event. That is the reality.

Given the lack of connection of the buildings to the street and the community it is hard to understand what the point of narrowing to one lane each way would get us other than more traffic on Depot and the neighborhoods.

So how do we address the other existing restaurants that don't have large existing outdoor patios? Some of these spaces have been restaurants for the past 38 years that I can remember...In general they are small restaurants and in the case of Rosy's, pivoted to have a fun space in the back in order to provide additional outdoor seating as well sidewalk seating. For those restaurants that don't have much seating outside how do we create a safe usable space within the public right of way?

I understand that the pandemic gave us this unique opportunity but is it a knee jerk reaction? How do we design and engineer the downtown for the ultimate build out? How do we decrease noise and improve safety?

Clearly there are some simple things that we can do- Morgan Hill in general has lots of cars and motorcycles that are way too noisy and are not within legal limits for sound transmission. Narrowing may decrease some noise- but if your intent is to decrease noise, one lane is not going to make it go away. We need to have a more clear noise ordinance and ensure that it is met.

I am on the fence, if we can add parking- maybe diagonal like Livermore, who have done an excellent job developing their very similar downtown, add a bike lane and small well designed parklets for the small existing restaurants that allow for access to drainage structures then I think it may make sense to reduce to one lane.

However, given the potential for a substantial increase in local housing, unclear reasoning for the scope and type of design, limited City coffers and the world still in flux after just emerging from an unprecedented pandemic clearly more research is needed,

If the decision is for additional study, I completely support that. I do not support any change without undergoing either completion and update of the process that was started in 2015 or a development of a new process with all stakeholders downtown engaged and an understanding of potential funding for the work.

Thank you,

Lesley L. Miles AIA LEED AP



AN IHG® HOTEL

Dear Morgan Hill Town Council,

May 17, 2021

I am writing to you on behalf of the Holiday Inn Express ownership group, as well as many of my local hotelier management, colleagues and owners.

We are concerned about the recent ARPA usage of funds, posted on your website [here](#). From the info posted here, it appears that you are recommending that the town apply the funds towards downtown improvements in lane changes, safety improvements, and noise reduction for the local restaurants. We are very supportive of improvements in downtown Morgan Hill; however, ***how are those improvements going to actually impact and inject tourism growth into our local community businesses, including the hotel industry?***

We simply want to ensure there is transparency and open communication/dialogue on this matter. We would like to understand how the funds are being divided up, and ***how you are planning to help drive tourism/business for the others in the area (for example, the majority of our local hotels on Condit Rd.)?***

Some examples of how the use of funds can help drive not only more TBID revenue, but more TOT dollars....thus helping the entire community of Morgan Hill out of the gates:

1. Capital expenditures on the ***existing*** local soccer fields would help create the best facility in Northern California. ***Thus, helping drive restaurant business, hotel business, and downtown business -- a holistic approach, one that is required at this time.***
2. The hotels could also use some assistance from you on the next two-three months of tourism to help our summer weekend business. A suggestion for this would be once a week (every Saturday), we hire a Corinthian shuttle. The shuttle would stop at hotels that help pay into the TBID to pick up guests/safely drop to and from wineries, downtown, etc. This would help hotels and wineries market a sip and stay joint program.
3. Use the funds to help build a safe bike path to downtown from our main Condit Rd. hotels into downtown safely.

4. Allocate \$30,000 in marketing funds (i.e. Instagram, Facebook, winery passport marketing and packages) to grow occupancy for your community hotels -- those hotels that help pay into taxes and actually helped establish a TBID in the first place.

I hope you will reconsider your planning and ask hoteliers to take a seat at the table when it comes to allocating these crucial funds. The hotels in our town need to survive and deserve some assistance from the town. If our hotel occupancy goes up, as does our average daily rate, your TOT and TBID dollars, and in the end...downtown/local restaurants and shops' bottom line.

Thanks for your time,

Bina Roy Desai, Managing Member, El Toro Group LLC

408 666 1022

www.hiemorganhill.com

From: [Jody McRoberts](#)
To: [CC Public Comment](#)
Subject: Traffic Calming on Monterey Road in Downtown
Date: Wednesday, May 12, 2021 3:38:39 PM

Hello City Councilmembers,

I am writing to you regarding traffic calming on Monterey Road in downtown Morgan Hill. In general, I approve of reducing the traffic to one lane each way. But before that would take place, please consider the following two points.

- Please consider waiting to reduce traffic to one lane each way until after the Hale extension is completed. This will definitely help with relieving traffic downtown.
- Please study how the reduction of traffic through downtown will affect the side streets and neighborhoods surrounding downtown, especially to the west of downtown.

Thank you,

Jody McRoberts

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From: [Jennifer Bruhn](#)
To: [CC Public Comment](#)
Subject: Traffic downtown
Date: Saturday, May 15, 2021 8:10:52 AM

Dear city council of Morgan Hill,
I hope this email finds you well.

My name is Jennifer and I am a new resident of not only Morgan hill, but a resident at the downtown sunsweet apartments. Over the course of my 2 months living here, I am awoken almost every night by loud traffic from the parking garage and Monterey street. I now sleep with ear plugs. Yesterday was the 1st time I sat outside to dine “Betos” the food was delicious and customer service was great! I couldn’t however, hear the person I was having a conversation with. It could have been a pleasant dining experience minus the traffic. Please heavily consider consolidating the lanes.

Thank you for your time in reading this email.

Jenn

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From: [hayseed1975](#)
To: [CC Public Comment](#)
Subject: traffic survey
Date: Wednesday, May 12, 2021 1:36:06 AM
Attachments: [Screenshot_20210426-215845_Facebook.jpg](#)

In regards to choking Monterey Rd, one more 'hell no' vote please.

I live on Hale, north of Tilton. In recent years traffic has become a noise nuisance and badly backed up on Hale.

That's Morgan Hill city's traffic, traveling to and from town.

Restricting city streets just diverts traffic out to rural and residential areas. We don't want your overflow here. Get off my lawn!

Thanks for all your diligent work.

Dave Walton

P.S. Attached is a picture that may actually be me as commute traffic wakes me four times a day.

Sent from my Metro By T-Mobile 4G LTE Android Device

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May 18, 2021

Morgan Hill City Council
17575 Peak Ave
Morgan Hill, CA 95037

Dear Mayor and City Council Members,

Our Board Chair, on behalf of the Visit Morgan Hill Board (VMH) of Directors, wrote to you on May 5th in support of the conceptual vision of the Downtown Traffic Calming project, with the conditions that it benefit overnight stays in hotels (tourism) and that the research and final plan are transparent and accessible. Visit Morgan Hill is supportive of efforts to improve tourism, and there are many endeavors that may generally support “tourism.” Therefore, we must consider each case by case, look at our opportunities and the issues we are solving for, and be rooted in our mission and vision-- especially when the issue is controversial. This letter is to provide some additional considerations and questions for how the Downtown project before you Wednesday 5/19 fits into a bigger picture for economic and tourism development in our wonderful city – and how we may collaboratively and effectively leverage the ARPA funds to realize a successful recovery.

The staff report recently posted reveals that the Downtown project relies primarily on ARPA funds, intended “to provide relief for individuals and business struggling due to COVID-19.” While the VMH Board is supportive of the concept of an improved downtown, the funding source brings to light other meaningful questions: what is the City’s plan for distributing Morgan Hill’s \$8.6M ARPA funds? How are they currently earmarked? Is this the one shot at ARPA funding for local “tourism”? And if so, is the Downtown project the best and only solution for business recovery? Is there room for other ideas to complement and enhance the Downtown Vision? May VMH and other business orgs be at the table to discuss the interconnectedness of business sectors, other areas of town needing relief, and what may most quickly and impactfully offer relief when considering use of Morgan Hill’s ARPA funds?

Tourism marketing is an important way to attract *new* visitors to support local business beyond existing residential customers. We know when people stay in hotels, they spend more on dining, shopping, and experiences in a city. Morgan Hill has an opportunity to simultaneously grow our tourism and leverage it for recovery, but it takes funding. Downtown improvements will strengthen the visitor experience and create an even stronger asset. That said, Morgan Hill and downtown as they exist today are still marketable and attractive to promote to overnight leisure visitors *now*. In fact, VMH is implementing our first-ever, comprehensive digital tourism marketing campaign starting mid to late June. Due to a coronavirus-related 60% TBID funding shortfall (from an already modest annual budget) we are relying on reserve funds for the campaign. We continue to promote many of the city’s businesses beyond just hotels-- restaurants, wineries, shopping, downtown, event venues, sports facilities, parks, and outdoor recreation. Our hotel partners know the value of this, but they, like other hospitality businesses, are still significantly suffering due to the pandemic, after accommodating County housing programs, firefighters and evacuees, and many others that have needed essential, clean, safe places to stay during the pandemic. Visit Morgan Hill is hindered in our ability to market due to the limited TBID funding and similar orgs have sought various forms of relief. The State of California recently granted Visit California a \$95M stimulus for tourism marketing, showing robust trust in the efficacy of tourism marketing as a recovery driver.

Through an extensive [strategic plan](#) process completed Fall 2020 (during the pandemic), Visit Morgan Hill explored and documented our city’s “gaps” and opportunities for tourism development such as hotel location/proximity to



attractions, infrastructure, and transportation. Our plan consistently notes collaboration with the City and other business entities as a priority when addressing these. Accessibility and connectivity of downtown (and other visitor assets like wineries and parks) to the hotels on the east side of HWY 101 and from other major neighborhoods should surely be a consideration for use of business “rescue” and recovery funds. Creating a shuttle vehicle program from hotels and other neighborhoods to downtown could stimulate wider, more immediate business activity than the Monterey St. lane reduction alone. Safe bike and walking paths are an important connection point as well.

Another question I would like answered is: when would the lane reduction construction take place and what is the extent of it? Construction downtown will itself have impacts during a critical recovery time. If taking place the same time that Visit Morgan Hill is inviting people to visit through our campaign, how to we successfully balance our message with the experience? This is another example where strategic engagement and discussion will benefit us as a town as we consider major developments.

In conclusion, we are excited and grateful to work through our challenges together, with such strong and connected partners and community.

Many thanks for your time,

A handwritten signature in black ink that reads "Krista Rupp". The signature is fluid and cursive.

Krista Rupp
Executive Director
408-915-7659
executivedirector@visitmorganhill.org



May 5, 2021

Morgan Hill City Council
17575 Peak Ave
Morgan Hill, CA 95037

Morgan Hill Neighbors,

Life as we knew it before seems so distant and opaque in our rear-view mirror of 2021 that it is easy to focus on just trying to survive and overcome the near and present obstacles. We at Visit Morgan Hill know that to simply hope, or even expect, some return to normalcy without embracing positive and dynamic change will not accomplish the goals that our board has set forth. To improve Morgan Hill's tourism is to uplift our many businesses, organizations, and our valued residents to brighter times, and in turn our friends, families, and neighbors. The City's Economic Blueprint and Visit Morgan Hill's strategic plan are testament to the understanding of "tourism" as a sustainable, long-term driver for our city's future, and now in our current economic state, a potential lever for recovery.

When Visit Morgan Hill was formed with the purpose to be a catalyst for business/leisure overnight stays, we understood that increasing interest and demand for tourism in Morgan Hill would need to be multi-faceted, beyond hotels. Part of our strategy is to encourage and support the development of assets that create opportunities and reasons for people to visit Morgan Hill. Recently, we were excited to hear about a new Downtown Vision and Traffic Calming plan that could potentially help transform Morgan Hill into an even more vibrant and exciting point of interest in our community. These are steps that that numerous communities have capitalized upon to position themselves as trendsetters, showcase their downtown venues, and create a cohesive, marketable asset for the travel expected in 2021 as our state and county moves out of the pandemic. Locations like Campbell, Los Gatos, Willow Glen, and Hollister have already welcomed such changes, making them popular hot spots to locals and visitors. The safety, transportation, and placemaking improvements offered by these competitors could be a natural fit for Morgan Hill to implement to acquire increased visitation to businesses and similar success in destination recognition. It is time for us to make bold and immediate strides to create deserved advantages for our town and community through destination tourism. Re-imagining who we are as proposed in this new vision can unite all hospitality stakeholders and help lead us out of current hardships together, stronger, and ready to build back better than ever before.

As a board we are strongly encouraged by this prospect and look forward to seeing the feasibility reporting on this measure and the research our City Council, Downtown and Restaurant Associations put forward to the community to insure that collectively we are taking the right step together. We eagerly look forward to hearing more on this direction and joining in wholeheartedly to support this vision when all steps have been taken and voices heard.

Yours in dynamic growth and on behalf of the Visit Morgan Hill Board,

A handwritten signature in black ink, appearing to read "Michael D. Meredith", enclosed within a large, loopy oval shape.

Chairperson
Michael D. Meredith

From: [Emily Weigand](#)
To: [CC Public Comment](#)
Subject: Yes! Downtown to one lane!
Date: Tuesday, May 18, 2021 4:54:57 PM

Hello,

As a long time resident of Morgan Hill (22 years), I want to make sure to express my fierce support of reducing Monterey back down to one lane and bring back the beauty and accessibility of our downtown. We are one of the few lucky locations in the Bay Area that truly has a downtown and we should cherish and relish it. We have plenty of other ways to manage traffic without having people use the downtown area as a thoroughfare. It is not only a detraction but dangerous. Downtown Morgan Hill has been a draw for many new residents including young families and I want to see this continue as it not only brings new life and vigor to our population but also raises the property value and profile of Morgan Hill in general. Please make these changes and bring back the full potential of Morgan Hill's downtown.

Best regards,
Emily Weigand

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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, May 19, 2021 5:30 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
 - In order to speak, please be sure that your version of Zoom is up to date.
- 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 or 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 5:30 p.m. for the purpose of conducting a 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

City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
City Clerk Michelle Bigelow

WORKSHOP

This workshop is the first in a series of Housing Workshops (<<https://www.morgan-hill.ca.gov/2162/2021-Housing-Conversation>>) that will look at the current and future state of housing in Morgan Hill. This first workshop is called "All Things Housing". Staff will present and discuss the following:

1. What regulates Housing in Morgan Hill
2. Housing Facts - What types of housing exist in Morgan Hill - inventory, tenure and affordability
3. Housing Projects in the works

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

Recognizing YAC President Hassti Tigardoon for her years of service

Recognizing YAC Volunteer Les Taylor for her years of service

PRESENTATIONS

YAC PRESENTATION- ASSET #35- RESISTANCE SKILLS

PROCLAMATIONS

Proclaiming May 15, 2021 as National Peace Officers Memorial Day and the week of May 9-15, 2021 as National Police Week

Proclaiming the week of May 16-22, 2021 as Emergency Medical Services Week

Proclaiming the week of May 16-22, 2021 as National Public Works Week

May 19, 2021

CITY COUNCIL REPORTS

Mayor Pro Tem McKay

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

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 EAST MAIN AVENUE BIKE LANES AND SIDEWALK PROJECT

Recommendation:

1. Accept as complete the East Main Avenue Bike Lanes and Sidewalk Project in the final amount of \$1,210,089;
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.

2. ADOPT ORDINANCE 2321, NEW SERIES, ADDING SECTION 3.04.145 TO CHAPTER 3.04 ("PURCHASING") TO TITLE 3 ("REVENUE AND FINANCE") OF THE MORGAN HILL MUNICIPAL CODE INCREASING THE CITY MANAGER'S AUTHORITY TO PROCURE GOODS AND SERVICES THAT ARE EXCLUSIVELY RELATED TO THE CITY'S ROLE AS CONTRACTING AGENT USING COUNTYWIDE SOLID WASTE PLANNING FEE PROCEEDS

Recommendation:

Waive the reading, adopt Ordinance No. 2321, 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.

3. APPROVE LICENSE AGREEMENT WITH TOGLIATTI FARMS FOR CITY PROPERTY AT CONDOT ROAD AND TENNANT AVENUE

Recommendation:

Approve the License Agreement with Togliatti Farms for \$5,000 in annual rent and authorize the City Manager to execute the agreement.

4. APPROVE THE APRIL 28, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

5. AWARD 2021 SIDEWALK REPAIR CONTRACT TO DURAN CONSTRUCTION GROUP, INC.

Recommendation:

1. Award a contract to Duran Construction Group, Inc. in the amount of \$171,691.65;
2. Authorize the expenditure of construction contingency funds not to exceed \$42,908.35; and
3. Authorize the City Manager to execute and administer that certain construction contract with Duran Construction Group, Inc.

OTHER BUSINESS

6. DOWNTOWN TRAFFIC CALMING AND MONTEREY ROAD LANE REDUCTION

Recommendation:

1. Receive report on traffic calming activities in the Downtown;
2. Direct staff to include the funding of \$50,000 for the engineering and design consultants to support the design of an Improved Lane Reduction Program and associated Place Branding Design for the Downtown in the mid cycle budget adjustments;
3. Direct City staff to form a working committee made up of Downtown and community representatives;
4. Direct City staff to formally discuss public private partnership opportunities with the Downtown Businesses to support the lane reduction and place branding efforts; and
5. Direct City staff to begin the application process for Transit Development Act Funds for the Lane Reduction Program.

Estimated Time: 90 Minutes

7. USE OF GLYPHOSATE IN CITY MAINTENANCE ACTIVITIES

Recommendation:

1. Receive report on herbicide/Glyphosate use in City parks; and
2. Provide staff with direction on future use of herbicides/Glyphosate by the City.

Estimated Time: 30 Minutes

**8. DEVELOPMENT OF A TEMPORARY DOWNTOWN DOG PARK AT FORMER
COMMUNITY GARDEN SITE**

Recommendation:

Provide direction to City Staff on Parks and Recreation Commission proposed temporary Downtown Dog Park.

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.

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.





May Developmental Asset #35 Resistance Skills

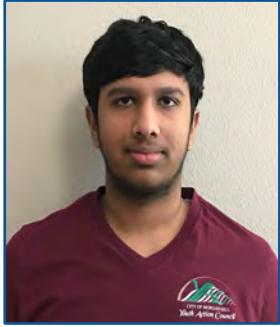
Young person can resist negative peer pressure
and dangerous situations.



May Complementary Asset #37 Personal Power

Young person feels they have control over
“things that happen to me.”

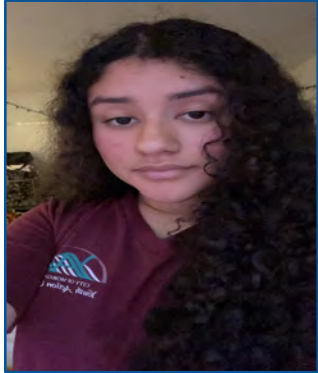
Aadhavan Magesh, Co-Record Keeper



- How can a young person resist negative peer pressure and dangerous situations?
- Supportive surroundings
 - Have integrity
 - Walk away
 - Have confidence when you say “no”



Giselle Naranjo, Secretary



→ Importance of resisting negative peer pressure among youth:

- Standing up to what they believe is right
- Maintaining a safe environment
- Being responsible



Resources for Teens

- ❖ Living Above the Influence
- ❖ Community Solutions
- ❖ NAMI (National Alliance on Mental Illness)
- ❖ School Teachers/Counselors
- ❖ YAC Advisors
- ❖ W.A.V.E. (Warriors Against Vaping and E-Cigarettes)



Questions to Council:

- When you were a teen, did you ever have to get out of a situation where you were being peer pressured or being put in a possible dangerous situation? If so, how did you approach it?
- What have you done as an adult to help teens make better choices?





CITY COUNCIL STAFF REPORT

MEETING DATE: May 19, 2021

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

ACCEPT EAST MAIN AVENUE BIKE LANES AND SIDEWALK PROJECT

RECOMMENDATION(S)

1. Accept as complete the East Main Avenue Bike Lanes and Sidewalk Project in the final amount of \$1,210,089;
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.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Maintaining Infrastructure

2020-2021 Strategic Priorities

Fiscal Sustainability
Transportation

GUIDING DOCUMENTS

Bikeways
Trails
Parks
and Recreation Masterplan
Morgan Hill 2035 General Plan

REPORT NARRATIVE:

The East Main Avenue Bike Lanes and Sidewalk project (Location shown in Attachment 1) is included in the adopted Fiscal Year (FY) 2018-19 through 2023-24 Capital Improvement Program. The project is identified in the 2017 Bikeways, Trails, Parks and Recreation Master Plan as a high priority project. The project is located along East Main Avenue, between Butterfield Boulevard and Condit Road. The project includes both pavement rehabilitation and school (pedestrian and bicycle) safety improvements.

On July 15, 2020, City Council awarded a construction contract for the East Main Avenue Bike Lanes and Sidewalk Project (Attachment 1). The project scope of work involved the following: the installation of sidewalk improvements across the property frontages at 465 and 475 on East Main Avenue, the construction of curb bulb-outs and the installation of rapid flashing beacons and high visibility crosswalks at East Main and Grand Prix intersection, storm drain modifications, and the application of green enhanced buffered bike lane striping.

The project was awarded to McKim Corporation for \$1,188,404 and the project was

authorized a 10% contingency of \$118,840. During construction, only two contract change orders totaling \$26,066 were authorized to address unforeseen conditions and project changes (Attachment 2).

Staff recommends accepting the project as all of the work is now complete and in accordance with the plans/specifications and directing City Clerk to file the Notice of Completion (Attachment 3).

COMMUNITY ENGAGEMENT: Inform

During the design process, project information was available via NextDoor, the City's email subscribers, and the City's website. Work hours were limited to 8am-4pm as much as possible to minimize impacts to the neighborhood and traffic. Residents living near or adjacent to the improvements were notified prior to installing the improvements. Staff also provided updated construction information weekly through Nextdoor and on the City's website.

ALTERNATIVE ACTIONS:

Accepting the project in accordance with the contract documents is a required process and enables the City to release any retained funds owed to the contractor per the California Public Contract Code Section 7107.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- o 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.
- o December 19, 2018, the City Council approved a Transportation Fund for Clean Air (TFCA) grant for \$65,100 for the project.
- o February 5, 2020, the City Council approve the purchase of property (Hwang) required to widen the roadway.
- o June 3, 2020, the City Council rejected all bids and directed staff to rebid the project with modifications.
- o July 15, 2020, City Council awarded the East Main Avenue Bike Lanes and Sidewalk project to McKim Corporation.

FISCAL AND RESOURCE IMPACT:

The final contract amount for the East Main Avenue Bike Lanes and Sidewalk Project is \$1,210,089. The project was awarded to McKim Corporation for \$1,188,404 and the project was authorized a 10% construction contingency of \$118,840 (total of \$1,307,244). Out of the original base contract, \$1,184,022 was spent along with two change orders totaling \$26,067 for a total cost of \$1,210,089 (\$1,184,022+\$26,067).

Project funding will be paid for by the following: \$168,900 from the Local Drainage Non-AB1600 Fund (304), \$550,000 from the School Pedestrian and Traffic Safety Fund (355), and \$491,189 from the Street CIP Fund (308).

The project received \$65,100 in TFCA grant funds from the Bay Area Air Quality Management District for installing buffered bike lanes with green enhancements on Main Avenue. These funds will be applied to reimburse the Street CIP Fund (308).

CEQA (California Environmental Quality Act):
Project

The activities described in this Staff Report are 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. Funding Closeout Statement-McKim 5-19-21
3. Notice of Completion McKim



Attachment: Project Location Map (3064 : Accept Main Avenue Bike Lane Project)



CITY OF MORGAN HILL

Engineering Division
Community Development Agency

Path: G:\R-14\PROJ\GIS\StaffReport_SiteMaps\SiteMap_MainAve_bikelanes.mxd

PROJECT LOCATION MAP
for
**East Main Avenue Bike Lanes
and Sidewalks Project**



0 225 450 900 1,350 1,800
Feet

CIP Contract Acceptance Funding Closeout Statement

Project:	East Main Avenue Bike Lanes and Sidewalk Project		
Project No:	302T17		
Date of Project Award:	15-Jul-20	Project Award Amount:	\$1,188,404
Funding Source:	f355	Contingency Authorized:	\$118,840
Date of Project Acceptance:	19-May-21	Total Authorized:	\$1,307,244
		Actual Base Contract Spent:	\$1,184,022

Change Orders				
	Description	Date	Council Approval Req'd? (Y/N)	
C.O. #1:	Install sod, irrigation and plantings at bulb-out locations.	1-Dec-20	N	\$11,466
C.O. #2:	Install temporary k-rails around PG&E poles for three months. Remobilization cost for striping due to PG&E poles not removed.	4-Jan-21	N	\$14,601
Total C.O.:				\$26,067

Additional Appropriations		
Source	Amount	Date
None		

Construction Fund Balance:	\$97,156	Total Construction Amount (Base Contract plus CO's):	\$1,210,089
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Attachment: Funding Closeout Statement-McKim 5-19-21 (3064 : Accept Main Avenue Bike Lane Project)

Record at the Request of
and When Recorded Mail to:

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

Record at No Fee Pursuant to
Government Code Section 27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

NOTICE OF COMPLETION
Civil Code §§ 8182, 8184, 9204, and 9208

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the Owner or agent of the Project described below.
2. Owner's full name is City of Morgan Hill.
3. Owner's address is 17575 Peak Avenue, Morgan Hill, CA 95037.
4. The nature of Owner's interest in the Project is:
☒ Fee ownership ☐ Lessee ☐ Other: _____
5. Construction work on the Project performed on Owner's behalf is generally described as follows: Widen 300 feet of roadway, install sidewalks, construct bulb-outs, resurface roadway, install pedestrian flashing beacon, install bike lanes with green enhancement.
6. The name of the original Contractor for the Project is: McKim Corporation.
7. The Project was completed on: April 15, 2021.
8. The Project is located at: East Main Avenue, between Butterfield Blvd. and Condit Road.

Verification: In signing this document, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I have read this notice, and I know and understand the contents of this notice, and that the facts stated in this notice are true and correct.

Date and Place

Signature

Scott Creer, City Engineer

Attachment: Notice of Completion McKim [Revision 2] (3064 : Accept Main Avenue Bike Lane Project)



CITY COUNCIL STAFF REPORT

MEETING DATE: May 19, 2021

PREPARED BY: Angie Gonzalez, Council Services Assistant
APPROVED BY: City Manager

ADOPT ORDINANCE 2321, NEW SERIES, ADDING SECTION 3.04.145 TO CHAPTER 3.04 (“PURCHASING”) TO TITLE 3 (“REVENUE AND FINANCE”) OF THE MORGAN HILL MUNICIPAL CODE INCREASING THE CITY MANAGER’S AUTHORITY TO PROCURE GOODS AND SERVICES THAT ARE EXCLUSIVELY RELATED TO THE CITY’S ROLE AS CONTRACTING AGENT USING COUNTYWIDE SOLID WASTE PLANNING FEE PROCEEDS

RECOMMENDATION(S)

Waive the reading, adopt Ordinance No. 2321, 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.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Infrastructure

2020-2021 Strategic Priorities

Economic Development

GUIDING DOCUMENTS

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

On May 5, 2021 the City Council introduced Ordinance No. 2321 New Series, by the following roll call vote: AYES: Borgioli, Constantine, Martinez Beltran, McKay, Spring; NOES: None; ABSTAIN: None; ABSENT: None.

This ordinance raised the City Manager’s purchasing authority from \$60,000 to \$300,000 exclusively for purchases made to support the Countywide Solid Waste Services activity with countywide solid waste funds. This ordinance doesn’t impact normal city purchasing at all and minimizes the need for the Council to needlessly review purchases made for this countywide activity that have already been approved by the countywide groups.

COMMUNITY ENGAGEMENT: Not Applicable

As this work does not directly impact the Morgan Hill community, no community engagement efforts were made.

ALTERNATIVE ACTIONS:

Not applicable.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

This change was approved by the City Council at the March 3, 2021 Council Meeting.

FISCAL AND RESOURCE IMPACT:

This ordinance does not have a direct fiscal impact and no budget amendment is requested. Implementing the Council-authorized actions relating to the Countywide program is now part of the work program of the Community Services Department.

CEQA (California Environmental Quality Act):

This is an administrative activity that will not result in a physical change to the environment making the action not subject to CEQA.

LINKS/ATTACHMENTS:

1. Ordinance 2321 Revised Procurement Limits

ORDINANCE NO. 2321, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL ADDING SECTION 3.04.145 TO CHAPTER 3.04 ("PURCHASING") TO TITLE 3 ("REVENUE AND FINANCE") OF THE MORGAN HILL MUNICIPAL CODE INCREASING THE CITY MANAGER'S AUTHORITY TO PROCURE GOODS AND SERVICES THAT ARE EXCLUSIVELY RELATED TO THE CITY'S ROLE AS CONTRACTING AGENT USING COUNTYWIDE SOLID WASTE PLANNING FEE PROCEEDS

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS
FOLLOWS:

Section 1. Section 3.01.145 ("Competitive bid purchases over twenty-five thousand dollars and up to three hundred thousand dollars for services and goods exclusively relating to the City's role as contracting agent for the countywide integrated waste program") of Chapter 3 ("Purchasing") of Title 3 ("Revenue and Finance") is hereby added to read as follows:

3.04.145 - Competitive bid purchases over twenty-five thousand dollars and up to three hundred thousand dollars for services and goods exclusively relating to the City's role as contracting agent for the countywide integrated waste program.

Where the total amount or value of a purchase is twenty-five thousand dollars or more, but not over three hundred thousand dollars, the goods or services purchased are exclusively relating to the City's role as contracting agent for the countywide integrated waste program, and the purchase is funded entirely by countywide solid waste planning fee proceeds that have been transferred from Santa Clara County to the City for the purchase, the purchase shall be made by the city manager through competitive bid, upon notice as required by Section 3.04.190 of this chapter, provided however, the city manager may elect to make any purchase up to three hundred thousand dollars for these purposes (except as the laws of the state otherwise require) in the following cases:

1. By city manager approval upon a determination that competitive bids upon notice would not be likely to result in a lower price to the city from a responsible bidder or would cause unnecessary expense or delay under the circumstances;
2. By city manager approval that said purchase may be made cooperatively, as provided in Section 3.04.180 of this chapter, upon a determination that competitive bids upon notice would not be likely to result in a lower price to the city from a responsible bidder or would cause unnecessary expense or delay under the circumstances;

3. By city manager approval upon a determination that the immediate preservation of the public peace, health or safety requires said purchase to be made without competitive bids upon notice; or

4. By city manager approval upon a determination that there is only one source for the required supply or service based on a review of available sources by the purchasing officer and written recommendation therefor.

Section 2. **Severability.** Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 3. **Effective Date; Posting.** This Ordinance shall take effect (30) days after the date of its adoption. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 5th DAY OF MAY 2021, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 19th DAY OF MAY 2021, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

☞ CERTIFICATE OF THE CITY CLERK ☞

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2321, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 19th day of May 2021.

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

DATE: _____

MICHELLE BIGELOW, City Clerk



CITY COUNCIL STAFF REPORT

MEETING DATE: May 19, 2021

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

APPROVE LICENSE AGREEMENT WITH TOGLIATTI FARMS FOR CITY PROPERTY AT CONDIR ROAD AND TENNANT AVENUE

RECOMMENDATION(S)

Approve the License Agreement with Togliatti Farms for \$5,000 in annual rent and authorize the City Manager to execute the agreement.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Protecting the Environment and Preserving
Open Space and Agricultural Land

REPORT NARRATIVE:

The purpose of this item is to provide the Council with an opportunity to approve a license agreement with Togliatti Farms to conduct agricultural operations on the City's "Ballfield" property on Tenant Ave.

The City purchased 26 acres on the southwest corner of Condit Road and Tennant Ave. in 2015 for use as a future ballfield development site. Since the City was landbanking the property at the time and did not anticipate developing the site immediately, the farmer working the site at the time, George Chiala Farms (GCF), was awarded an agreement to continue farming the land. GCF notified the City last year that 2020 would be their last year on the site as they were consolidating operations elsewhere.

The City approached Togliatti Farms, the farming entity that farmed the City's prior holding on Maple Ave., and asked them if they would like to take over the Tennant Ave. site. They had reliably maintained the Maple Ave. property for the entire time the City owned that site and did not require any staff intervention or involvement. Togliatti indicated that they were interested in taking over the operations of the site and are prepared to return the land to active agriculture.

Staff recommends that the Council approve the attached License Agreement with Togliatti Farms (Attachment 1) and authorize the City Manager to execute the Agreement.

COMMUNITY ENGAGEMENT: Not Applicable

As the recommended action does not result in any change of use or activity, staff determined that no community engagement was warranted.

ALTERNATIVE ACTIONS:

The Council could decline to approve this license agreement and provide additional direction to staff on an alternative path. If the land is not farmed, the City will be required to undertake weed abatement and other maintenance activities, which will result in a negative fiscal impact to the City.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council approved the GCF License Agreement at the site on December 16, 2015.

FISCAL AND RESOURCE IMPACT:

The agreement provides for \$5,000 in revenue annually for the City's Park Impact Fund (Fund 301). The primary economic benefit provided to the City, however, is the avoided maintenance and weed abatement costs that the City would otherwise need to pay if the land was not being farmed. These costs would vary from year-to-year based on weed growth and maintenance needs that arise. Administering agreements on City-owned properties is an activity included in the work program of the Community Services Department.

CEQA (California Environmental Quality Act): Categorical Exemption

This action is categorically exempt per Section 15304 (Minor Alterations to Land) of the CEQA guidelines.

LINKS/ATTACHMENTS:

1. Attachment 1: Togliatti License Agreement

**REVOCABLE LICENSE BETWEEN
THE CITY OF MORGAN HILL AND TOGLIATTI
FARMS, INC.**

This REVOCABLE LICENSE ("License") is made and entered into on 5/4/21, 2021, by and between the City of Morgan Hill, a California municipal corporation ("Licensor") and Togliatti Farms, Inc., a California corporation ("Licensee") for the use of the real property owned by Licensor located in Morgan Hill, California, 95037, in the County of Santa Clara, State of California, described as approximately twenty-six (26) acres, at the corner of Tenant Ave. and Condit Ave., APN #s 817-14-4, 817-14-5, and 817-14-9 (the "Premises"), as shown in **Exhibit A**, which is attached hereto and hereby incorporated by this reference.

This License is subject to the following terms and conditions:

1. Term of License

The term of this License shall be for one (1) year, commencing on June 1, 2021. The one (1) year period shall automatically renew each year on January 1 unless Licensor gives Licensee written notice on or before July 1st that Licensor will not be renewing the License.

Notwithstanding the foregoing, the permission and license granted under this License may be revoked and this License terminated, without cause, upon one (1) year prior written notice by Licensor, by and through Licensor's City Manager, to Licensee or by ninety (90) days written notice by Licensee to Licensor, through Licensor's City Manager.

2. Permission Granted

A. For and in consideration of a yearly payment of five thousand dollars (\$5,000.00), and subject to all of the terms, conditions, and covenants of this License, Licensor hereby grants Licensee the revocable license and permission to use the Premises as designated in Section 3 below. The five thousand dollars (\$5,000.00) shall be paid semiannually in cash or by certified check, money order, or any other form of payment acceptable to Licensor. Partial payment shall be made on January 1st and July 1st of each year, commencing on July 1, 2021 at the City of Morgan Hill, located at 17575 Peak Avenue, Morgan Hill, California 95037.

B. Licensee, by accepting this License, agrees for itself, and its successors and assignees, that it will not make use of the Premises in any manner which might interfere with Licensor's planning and development of the Premises for future development or municipal uses, including the possible development of the Premises and surrounding areas for baseball fields. Furthermore, Licensor may require the surrender of reasonable portions of the Premises for the purpose of surveying, testing, staking, or other works for the inspection or preparation of the Premises for future development or municipal uses.

3. Use of Premises

Licensee acknowledges that the Premises are licensed to Licensee on an "as is" basis. The Premises are demised to Licensee for the following purposes and for no other purpose except

with the prior written consent of Licensors: The planting, growing, harvesting and selling of agricultural crops.

4. Operation on Premises

- A. Licensee shall carry on all of the activities specified under Paragraph 4 in accordance with good husbandry and the best practices of the farming community in which the Premises are situated.
- B. Licensee shall, at Licensee's cost and expense, comply with any and all laws, ordinances, rules, regulations, requirements, and orders present or future, of any federal, state, county, or municipal governments which may in any way apply to the use, maintenance, operations, or production of crops on the Premises, or the sale or disposition of those crops.
- C. Licensee shall conduct farming of the Premises in full compliance with all local, state, and federal rules regarding the use of fertilizers and pesticides.
- D. Licensee shall have the right to level the top-soil, provided that the leveling of top-soil does not cause drainage problems on the Premises.

5. Operating Costs

Licensee shall pay all costs in connection with Licensee's operations on the Premises, including, but not limited to, costs of preparing the Premises for planting of crops, production costs, costs of tools and labor, electricity and other utilities. Licensee shall also pay water taxes and fees imposed by the Santa Clara Valley Water District as well as any and all approvals, permits, or licenses that may be required in connection with the operation of the Premises including, but not limited to, tax permits, business licenses, health permits, building permits, police, and fire permits.

6. Water

Licensors shall, at Licensors' own cost and expense provide adequate water for the proper irrigation of any and all crops that may be planted, cultivated, grown, and harvested on the Premises under this License. If Licensors use pumps and/or wells to provide adequate water, Licensee shall keep the pumps and/or wells in good order and repair. In the event of an emergency breakdown with any pump, well, or pipeline, Licensors, at Licensors' expense, will restore the pump, well, or pipeline to good order and repair in a timely and diligent manner, provided that the emergency breakdown was not due to the negligence of Licensee. If the emergency breakdown was due to the negligence of Licensee, Licensee shall pay the cost to repair the pump, well, or pipeline. The determination of whether an emergency breakdown was due to Licensee's negligence shall be made by a mutually acceptable third party with knowledge of the type of pump, well, or pipeline requiring repair. If a water shortage or drought occurs, Licensee has the option to terminate this License.

7. Utilities

Licensee shall pay for all gas, electricity, and telephone services used by Licensee's operations on the Premises. If any other entity is utilizing such services on the Premises and Licensors is unable to maintain separate meters for gas and electricity provided for use in Licensee's operations, Licensee shall pay a reasonable share of utilities as determined by Licensee.

8. Taxes and Assessments

Licensors shall be responsible for the payment of real property taxes or assessments levied on the Premises. Licensee shall pay all water taxes and fees imposed by the Santa Clara Valley Water District.

9. Expenses of Licensors

During the term of this License and any renewals or extensions of this License, Licensors shall, at Licensors's own cost and expense, do all of the following:

- a. Pay, promptly, as they become due, all taxes and assessments levied or assessed against the Premises; and
- b. Provide adequate water for the proper irrigation of any and all crops that may be planted, cultivated, grown, and harvested on the Premises under this License.

10. Insurance

A. Licensee shall, at all times during the term of this License, maintain and keep in force insurance coverage with insurers which will adequately protect both Licensee and Licensors against public liability and property damage on the Premises. The minimum coverage required by this paragraph shall be \$1,000,000 bodily injury per individual, \$1,000,000 per occurrence, and \$100,000 property damage and 2,000,000 general aggregate. For general liability insurance policies, Licensee shall provide Licensors with a separate endorsement which states that the policy contains the following language:

- The City of Morgan Hill, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers are named as additional insureds;
- the insurer waives the right of subrogation against the City of Morgan Hill, and the City's elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers; and,
- insurance shall be primary non-contributing.

B. Proof of the insurance coverage obtained by Licensee shall be given to Licensors within thirty (30) days after execution of this License. Licensee shall furnish Licensors with copies of all policies or certificates subject to this Agreement, whether new or modified, promptly upon receipt. No policy subject to this Agreement shall be canceled or materially changed except after thirty (30) days' notice by the insurer to Licensors.

11. Alterations and Mechanics' Liens

A. Licensee shall not make or permit any permanent alterations or improvements to the Premises without the prior written consent of Licensor. Licensee shall remove all trade fixtures, improvements, and alterations placed by Licensee on the Premises within twentyone (21) days after the expiration of this License.

B. Licensee shall keep the Premises free and clear of any and all liens arising out of work performed or materials furnished at the request of Licensee or obligations incurred by Licensee.

12. Inspection by Licensor

Licensee, upon receiving twenty four (24) hours notice from Licensor, shall permit Licensor and Licensor's agents, representatives, or employees to enter the Premises to determine whether Licensee is complying with the terms of this License and for the purpose of doing other lawful acts that may be necessary to protect Licensor's interest in the Premises.

13. Indemnification of Licensor

Throughout the term of this License, Licensee shall indemnify and hold Licensor harmless for all damages, injuries, or claims arising from Licensee's operations on the Premises, including crops at any stage, and associated loss of income, real or projected, regardless of the cause of the loss.

14. Assignment and Subleasing

Licensee shall not assign, transfer, or encumber this License or any interest in this License without the prior written consent of Licensor. Licensee shall not sublease all or any part of the Premises or allow any persons other than Licensee's agents, family, or employees to occupy or use all or any part of the Premises without the prior written consent of Licensor. Licensor's consent to one (1) assignment, sublease, occupation, or use by another person shall not be deemed to be consent to any subsequent assignment, sublease, occupation, or use by any other person. Any consent to assignment or subleasing of any interest in this License by Licensee shall not be unreasonably withheld.

15. Termination Upon Default of Licensee

A. Pursuant to Section 1, Licensor may terminate this License without cause. However, if Licensor decides to terminate based on cause, Licensor may do so with all rights ensuing therefrom as provided by applicable law if any one or more of the following events of default occur:

- i. Any failure by Licensee to make any other payment required to be made by Licensee under this License when that failure continues for thirty (30) days after written notice of the failure is given by Licensor to Licensee;
- ii. The abandonment or vacation of the Premises by Licensee;

iii. A failure by Licensee to observe and perform any other provision of this License to be observed or performed by Licensee, when that failure continues for thirty (30) days after written notice of Licensee's failure is given by Licensor to Licensee; provided, however, that if the nature of that default is such that it cannot reasonably be cured within a thirty (30) day period, Licensee shall not be deemed to be in default if Licensee commences that cure within the thirty (30) day period and thereafter diligently prosecutes it to completion; or

iv. The making by Licensee of any general assignment for the benefit of creditors; the filing by or against Licensee of a petition to have Licensee adjudged a bankrupt or of a petition for reorganization or arrangement under any law relating to bankruptcy; the appointment of a trustee or receiver to take possession of substantially all of Licensee's assets located at the Premises or of Licensee's interest in this License, when possession is not restored to Licensee within thirty (30) days, or the attachment, execution, or other judicial seizure of substantially all of Licensee's assets located at the Premises or of Licensee's interest in this License, when that seizure is not discharged within thirty (30) days.

B. The notices provided for in subsections (i) through (iii) of this paragraph are not intended to replace, but rather are in addition to, any required statutory notices for unlawful detainer proceedings under Code of Civil Procedure Section 1161 et seq.

16. Oil, Gas, and Mineral Rights

All rights in any and all minerals, oil, gas, and other hydrocarbons located on or under the Premises are reserved to Licensor and are particularly accepted from the property covered by the terms of this License. Licensee hereby grants to Licensor, Licensor's agents and licensees, and Licensees of these rights, a right of entry and right of way for access to the Premises for the exploration, drilling, and mining of minerals, gas, oil, and other hydrocarbons on or under the Premises. Licensor, however, shall reimburse Licensee for any interference with the quiet enjoyment or agricultural operation on the Premises arising from exploration, drilling, or mining operations performed by Licensor, Licensor's agents and licensees, and tenants of these rights.

17. Notices

Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this License or by law to be served on or given to either party by the other party shall be in writing and shall be deemed duly served and given when personally delivered to the party to whom they are directed, or in lieu of personal service when deposited in the United States mail, first-class postage prepaid, addressed to Licensee at 15500 Hill Road, Morgan Hill, California 95037 or to Licensor at City of Morgan Hill, 17575 Peak Avenue, Morgan Hill, California 95037. Either party may change its address for the purpose of this paragraph by giving written notice of the change to the other party in the manner provided in this paragraph.

18. Binding on Heirs and Successors

This License and each of its provisions shall be binding on and shall inure to the benefit of the respective heirs, devisees, legatees, executors, administrators, trustees, successors, and

assigns of the parties to this License. Nothing contained in this paragraph shall be construed as consent by Licensor to any assignment of this License or any interest in this License by Licensee except as provided in Paragraph 14 of this License.

19. Time of Essence

Time is of the essence of this License and each provision contained within, and each provision is made and declared to be a material, necessary, and essential part of this License.

20. Sole and Only Agreement

This instrument constitutes the sole and only agreement between Licensor and Licensee respecting the Premises, the licensing of the Premises to Licensee, or the license term created under this License, and correctly sets forth the obligations of Licensor and Licensee to each other as of its date. Any agreements or representations respecting the Premises or their licensing by licensing by Licensor to Licensee not expressly set forth in this License are null and void. This License may not be extended, amended, modified, altered, or changed, except in writing signed by Licensor and Licensee.

21. Effect of Partial Invalidity

If any term or provision of this License or any application of this License shall be held invalid or unenforceable, the remainder of this License and any application of the terms and provisions shall remain valid and enforceable under this License or California law

22. Governing Law

This agreement shall be governed by and construed in accordance with the laws of the State of California.

23. Waiver of Relocation Assistance

If Licensor terminates this License pursuant to Sections 1 or 15, or decides, in its sole discretion, not to renew the License, or sells or transfers the Premises to another governmental entity (a "Public Entity"), Licensee knowingly and voluntarily agrees that Licensee hereby fully releases, waives and discharges a Public Entity and Licensor from any and all relocation obligations, demands or claims, if any exist now known or existing, or now unknown or hereinafter arising or relating to a relocation of Licensee or Licensee's operations from the Premises following the expiration or termination of the term of the License, which release, waiver and discharge includes, without limitation, a release, waiver, and discharge of any relocation rights Licensee may claim pursuant to California Government Code sections 7260 *et. seq.*, California Code of Regulations Sections 600 *et. seq.*, or pursuant to any federal relocation assistance laws. Licensee understands that Licensee's release, waiver, and discharge under this Section is a material inducement for Licensor to enter into this License and that but for this release, waiver, and discharge, Licensor would not have entered into this particular licensing arrangement, specifically including, without limitation, the provisions related to a one-year notice of

termination by Licensor to Licensee. By forever releasing, waiving, and discharging the relocation obligations, demands or claims that may be available to Licensee, Licensee expressly waives any rights under California Civil Code section 1542, which provides:

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

ATTEST:

THE CITY OF MORGAN HILL

City Clerk

Date: _____

City Manager

Date: _____

APPROVED AS TO FORM:

TOGLIATTI FARMS, INC.

City Attorney

Date: _____

By: Melanie Togliatti

Date: 5/4/21

By: Eileen Togliatti

Date: 5/4/21

DRAFT



Meeting Minutes City Council

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

Wednesday, April 28, 2021 7:00 pm

Virtual Meeting

SPECIAL MEETING

A Special Meeting of the City Council was called at 7:00 p.m. for the purpose of conducting a Community-City Council Workshop.

CALL TO ORDER

Mayor Constantine called the meeting to order at 7:00 pm.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Remote	
John McKay	Mayor Pro Tem	Remote	
Gino Borgioli	Council Member	Remote	
Yvonne Martinez Beltran	Council Member	Remote	
Rene Spring	Council Member	Remote	

DECLARATION OF POSTING OF AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

Minutes Acceptance: Minutes of Apr 28, 2021 7:00 PM (CONSENT CALENDAR)

COMMUNITY-CITY COUNCIL WORKSHOP

The City is aware that broadband service in Morgan Hill does not meet the Community's expectations, nor in many cases does it meet the Community's actual needs. The Morgan Hill Broadband Community Workshop Series provides an opportunity to share information, ask questions, and better understand the challenges we face as a community. Topics for the third workshop will include:

1. Introduction & Recap of Previous Workshops
2. Presentation from Joint Venture Silicon Valley
3. Presentation from Providers
 - a. Etheric Networks
 - b. Bullet Wireless
4. Customer Tips for Troubleshooting In-home Connections
5. Public Input
6. Council Input
7. Future City Actions Relating to Broadband Services

FEBRUARY 24, 2021 COMMUNITY-CITY COUNCIL WORKSHOP MATERIALS

MARCH 24, 2021 COMMUNITY-CITY COUNCIL WORKSHOP MATERIALS

City Manager Christina Turner introduced the workshop and Program Administrator Anthony Eulo provided a recap of the first two workshops and introduced the evening's speakers.

David Witkowski and Mo Shakouri presented on behalf of Joint Venture Silicon Valley.
 Laura Shaub and Andrew Brickweg presented on behalf of Etheric Networks.
 Trevor Baccolini presented on behalf of Bullet Wireless.

Vijay Sammeta with the City of Morgan Hill provided some tips and techniques to evaluate your home/business internet service.

Q&A was taken followed by Council comments.

PUBLIC COMMENT

Public comment for items not on the agenda opened at 8:40 pm.

Sean Mulligan was called to speak.

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

ADJOURNMENT

There being no further business, the meeting adjourned at 8:42 pm.

MINUTES PREPARED BY:

Michelle Bigelow, City Clerk



CITY COUNCIL STAFF REPORT

MEETING DATE: May 19, 2021

PREPARED BY: Cynthia Iwanaga, Management Analyst
APPROVED BY: City Manager

AWARD 2021 SIDEWALK REPAIR CONTRACT TO DURAN CONSTRUCTION GROUP, INC.

RECOMMENDATION(S)

1. Award a contract to Duran Construction Group, Inc. in the amount of \$171,691.65;
2. Authorize the expenditure of construction contingency funds not to exceed \$42,908.35; and
3. Authorize the City Manager to execute and administer that certain construction contract with Duran Construction Group, Inc.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Maintaining Infrastructure

2020-2021 Strategic Priorities

Fiscal Sustainability
Infrastructure

GUIDING DOCUMENTS

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

The purpose of this item is to present the Council with an opportunity to review and consider the contract prepared to complete the 2021 sidewalk repairs.

The scope of work for the 2021 Sidewalk Repair Project will include the removal and replacement of concrete sidewalks at various locations within the City. Over 8,551 square feet of sidewalks will be repaired with this project. The exact locations and City bid documents are attached.

In soliciting bids for the sidewalk repair contract, the City advertised in the Morgan Hill Times and on two online services, Public Purchase and Online Plan Services, whose subscribers include hundreds of contractors as well as Northern California Building Exchanges. General Engineering (A) and Concrete (C-8) contractors registered on the City's bidders list were also informed of the bid opportunity via an e-mail.

The bid opening was held on April 26, 2021 via a virtual Zoom meeting, and seven bids were received as listed below:

Contractor	Bid Amount
Duran Construction Group, Inc.	\$171,691.65
Villalobos and Associates, Inc.	\$185,900.00

McKim Corporation	\$207,460.80
Joe's Landscaping and Concrete	\$256,388.00
The Don Chapin Company, Inc.	\$261,028.00
Vanguard Construction, Inc.	\$281,561.00
Innovate Concrete, Inc.	\$358,530.03

The low bidder, Duran Construction Group, Inc., has over 10 years of experience and has completed multiple projects for the City of San Jose including sidewalk replacement projects. Staff recommends the award of this contract to Duran Construction Group, Inc. for \$171,691.65. Staff also recommends a contingency of \$42,908.35 which will yield a total construction authorization of \$214,600 for the sidewalk repair and replacement contract. The project is scheduled to begin in late May 2021 and be completed by July 2021.

COMMUNITY ENGAGEMENT: Inform

Contractor will post signs at the sidewalk repair sites to inform pedestrians and cars of the construction underway. Notification will also be posted on the City's website, Twitter and Nextdoor Morgan Hill to inform residents that sidewalk repairs will be underway throughout the City from late May through July.

ALTERNATIVE ACTIONS:

An alternative action would be to delay the repair of citywide sidewalks.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

While the City Council has not previously taken action on this particular item, conducting sidewalk repairs is an ongoing public safety activity and the Council has approved numerous contracts for sidewalk repairs in the past.

FISCAL AND RESOURCE IMPACT:

The total authorized amount for this contract is \$214,600, which includes a contingency of \$42,908.35. There is currently \$150,000 appropriated for this work in the adopted Capital Improvement Program within CIP Project 574015: Fund 355, School Pedestrian and Traffic Safety; and various operational budgets for sidewalk repairs within parks, facilities, and the Landscape Assessment Districts. The additional \$64,600 will be appropriated from Fund 346: Public Facilities via the attached budget scorecard. This additional allocation is due to a higher volume of sidewalk repairs this year because no sidewalk repairs were completed in Spring 2020 due to the COVID pandemic.

CEQA (California Environmental Quality Act): Categorical Exemption

The activities described in this Staff Report are categorically exempt under CEQA, specifically pursuant to Section 15301 (c) of the CEQA Guidelines (Existing Facilities), as the subject work involves the repair, maintenance or minor alterations of existing City facilities involving negligible or no expansion of use of those facilities.

LINKS/ATTACHMENTS:

1. Duran_Construction_Group_2021_Sidewalk_Repair_Contract
2. 2021 Sidewalk Repair BID Docs

3. Resolution_Budget Amendment_Sidewalk Repair Project
4. Budget Scorecard_016-2021 Sidewalk Repair Project Fund 346

CONTRACT

This public works contract ("Contract") is entered into by and between the City of Morgan Hill ("City") and Duran Construction Group, Inc. ("Contractor") for work on the 2021 Sidewalk Repair Project ("Project").

The parties agree as follows:

1. **Award of Contract.** In response to the Notice Inviting Informal Bids, Contractor has submitted a Bid Proposal to perform work on the Project, and on May 19, 2021, (Contract Date) City authorized award of this Contract to Contractor for the amount of Contractor's bid.

2. **Contract Documents.** The Contract Documents incorporated into this Contract include and are comprised of all of the following:
 - 2.1 Notice Inviting Informal Bids;
 - 2.2 Instructions to Bidders;
 - 2.3 Addenda, if any;
 - 2.4 Bid Proposal and attachments thereto;
 - 2.5 Contract;
 - 2.6 Payment and Performance Bonds;
 - 2.7 General Conditions;
 - 2.8 Special Conditions;
 - 2.9 Project Drawings and Specifications;
 - 2.10 Change Orders, if any;
 - 2.11 Notice of Award;
 - 2.12 Notice to Proceed;
 - 2.13 And the following:

"No other documents"

3. **Contractor's Obligations.** Contractor agrees to perform all of the Work required for the Project, as specified in the Contract Documents. Contractor must provide, furnish, and supply all things necessary and incidental for the timely performance and completion of the Work, including all necessary labor, materials, equipment, transportation, and utilities, unless otherwise specified in the Contract Documents. Contractor must use its best efforts to complete the Work in a professional and expeditious manner and to meet or exceed the performance standards required by the Contract Documents.

4. **Payment.** As full and complete compensation for Contractor's timely performance and completion of the Work in strict accordance with the terms and conditions of the Contract Documents, City will pay Contractor One Hundred Seventy-One Thousand Six Hundred Ninety-One Dollars and Sixty-Five Cents (\$171,691.65) (the "Contract Price"), in accordance with the payment provisions in the General Conditions. The Contract Price includes all applicable federal, state, and local taxes.
5. **Time for Completion.** Contractor will fully complete the Work for the Project within 45 calendar days from the commencement date given in the Notice to Proceed ("Contract Time"). By signing below, Contractor expressly waives any claim for delayed early completion.
6. **Liquidated Damages.** If Contractor fails to complete the Work within the Contract Time, City will assess liquidated damages in the amount of Five Hundred Dollars (\$500.00) for each day of unexcused delay in completion, and the Contract Price will be reduced accordingly.
7. **Labor Code Compliance.**
 - 7.1 **General.** This Contract is subject to all applicable requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code, including requirements pertaining to wages, working hours and workers' compensation insurance.
 - 7.2 **Prevailing Wages.** This Project is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. Copies of these prevailing rates are available online at <http://www.dir.ca.gov/DLSR>.
 - 7.3 **DIR Registration.** City will not accept a Bid Proposal from or enter into the Contract with a bidder, without proof that the bidder and its Subcontractors are registered with the California Department of Industrial Relations ("DIR") to perform public work under Labor Code Section 1725.5, subject to limited legal exceptions.
8. **Workers' Compensation Certification.** Under Labor Code Section 1861, by signing this Contract, Contractor certifies as follows: "I am aware of the provisions of Labor Code Section 3700 which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work on this Contract."

9. **Notice.** Any notice required by the Contract Documents must be made in writing, and sent to the other party by personal delivery, U.S. Mail, a reliable overnight delivery service, facsimile, or by email as a PDF (or comparable) file. Notice is deemed effective upon delivery unless otherwise specified. Notice for each party must be given as follows:

City:

City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037
Phone: (409) 779-7259
Attn: City Clerk
Email: michelle.bigelow@morganhill.ca.gov
Copy to: keri.russell@morganhill.ca.gov

Contractor:

Name: Duran Construction Group, Inc.
Address: P.O. Box 730845
City/State/Zip: San Jose, CA 95173
Phone: (408) 254-4304
Attn: Ramon Duran Jr., President
Email: ray.duran@durancg.com
Copy to: ismael.cortez@durancg.com

10. General Provisions.

- 10.1 Assignment and Successors.** Contractor may not assign its rights or obligations under this Contract, in part or in whole, without City's written consent. This Contract is binding on Contractor's successors and permitted assigns.
- 10.2 Third Party Beneficiaries.** There are no intended third party beneficiaries to this Contract except as expressly provided in the General Conditions or Special Conditions.
- 10.3 Governing Law and Venue.** This Contract will be governed by California law and venue will be in the Superior Court of Santa Clara County, and no other place.
- 10.4 Amendment.** No amendment or modification of this Contract will be binding unless it is in a writing duly authorized and signed by the parties to this Contract.

- 10.5 Integration; Severability.** This Contract and the Contract Documents incorporated herein, including authorized amendments or Change Orders thereto, constitute the final, complete, and exclusive terms of the agreement between City and Contractor. If any provision of the Contract Documents, or portion of a provision, is determined to be illegal, invalid, or unenforceable, the remaining provisions of the Contract Documents will remain in full force and effect.
- 10.6 Authorization.** Each individual signing below warrants that he or she is authorized to do so by the party that he or she represents, and that this Contract is legally binding on that party. If Contractor is a corporation, signatures from two (2) officers of the corporation are required pursuant to California Corporation Code Section 313.

[Signatures are on the following page.]

AS SET FORTH IN CA. CORP. CODE § 313, TWO SIGNATURES ARE REQUIRED FOR CALIFORNIA CORPORATIONS:

- (1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; AND
 (2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER OR ASSISTANT TREASURER.

The parties agree to this Contract as witnessed by the signatures below:

CITY OF MORGAN HILL:

 Christina J. Turner
 City Manager

Date: _____

Attest:

 Michelle Bigelow
 Deputy City Clerk

Date: _____

Approved as to Form:

 Donald A. Larkin
 City Attorney

Date: _____

CONTRACTOR:

DURAN CONSTRUCTION GROUP, INC.

 Signature

Ramon Duran Jr.
 Name/Title [print]

Date: 5/3/2021

Corporate entities must provide a second signature:

 Signature

Maria Duran
 Name/Title [print]

Date: 05/03/2021

974298
 Contractor's License Number(s)

06/30/2022
 Expiration Date(s)

Seal:

1000026167
 Contractor's DIR Registration Number(s)

06/30/2021
 Expiration Date

END OF CONTRACT

SPECIFICATIONS AND CONTRACT DOCUMENTS
for

2021 SIDEWALK REPAIR PROJECT



MORGAN HILL, CALIFORNIA
COMMUNITY SERVICES DEPARTMENT

April 2021

NOTICE INVITING INFORMAL BIDS

1. **Bid Acceptance.** The City of Morgan Hill ("City"), will accept bids via e-mail for its 2021 Sidewalk Repair Project ("Project"), by or before Monday, April 26, 2021 at 11:00 a.m., at which time the bids will be publicly opened and read aloud via a Zoom meeting at <http://bit.ly/MHSidewalkBidOpening>. No late bids will be accepted.

2. **Project Information.**

2.1 Location and Description. The Project is located at various locations throughout Morgan Hill and the Scope of Work is described as follows:

Removal and replacement of damaged concrete sidewalk, curb & gutter, including root removal.

2.2 Time for Completion. The planned timeframe for commencement and completion of construction of the Project is June 2021.

3. **License and Registration Requirements.**

3.1 License. This Project requires a valid California contractor's license for the following classification(s): A (General Engineering) or C-8 (Concrete).

3.2 DIR Registration. City will not accept a Bid Proposal from or enter into the Contract with a bidder, without proof that the bidder and its Subcontractors are registered with the California Department of Industrial Relations ("DIR") to perform public work under Labor Code Section 1725.5, subject to limited legal exceptions.

4. **Contract Documents.** The plans, specifications, bid and contract documents for the Project ("Contract Documents") may be obtained from the City of Morgan Hill website at <http://www.morgan-hill.ca.gov/bids.aspx> or at www.publicpurchase.com.

5. **Bid Proposal and Security.**

5.1 Bid Proposal Form. Each Bid must be submitted using the Bid Proposal form provided with the Contract Documents.

5.2 Bid Security. The Bid Proposal must be accompanied by bid security of ten percent (10%) of the maximum bid amount, in the form of a cashier's or certified check made payable to City, or a bid bond executed by a surety licensed to do business in the State of California on the Bid Bond form included with the Contract Documents. The bid security must guarantee that

upon award of the bid, the bidder will execute the Contract and submit payment and performance bonds and insurance certificates as required by the Contract Documents within ten (10) days after issuance of the notice of award.

6. Prevailing Wage Requirements.

6.1 General. This Project is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes.

6.2 Rates. These prevailing rates are available online at <http://www.dir.ca.gov/DLSR>. Each Contractor and Subcontractor must pay no less than the specified rates to all workers employed to work on the Project. The schedule of per diem wages is based upon a working day of eight (8) hours. The rate for holiday and overtime work must be at least time and one-half (1/2).

6.3 Compliance. The Contract will be subject to compliance monitoring and enforcement by the California Department of Industrial Relations, under Labor Code Section 1771.4.

7. **Performance and Payment Bonds.** The successful bidder will be required to provide performance and payment bonds for one hundred percent (100%) of the Contract Price.
8. **Substitution of Securities.** Substitution of appropriate securities in lieu of retention amounts from progress payments is permitted under Public Contract Code Section 22300.
9. **Subcontractor List.** Each bidder must submit the name, location of the place of business, and California contractor license number and DIR registration number for each Subcontractor who will perform work or service or fabricate or install work for the prime contractor in excess of one half (1/2) of one percent (1%) of the bid price, using the Subcontractor List form included with the Contract Documents.
10. **Instructions to Bidders.** Additional and more detailed information is provided in the Instructions for Bidders, which should be carefully reviewed by all bidders before submitting a Bid Proposal.
11. **Non-Mandatory Virtual Pre-Bid meeting** is Wednesday, April 13, 2021 at 9:30 a.m. via Zoom at <http://bit.ly/MHSidewalkRepair>

By: Michelle Bigelow, City Clerk

Date: March 21, 2021

Publication Dates: 1) March 26, 2021

END OF NOTICE INVITING INFORMAL BIDS

Attachment: 2021 Sidewalk Repair BID Docs [Revision 1] (3077 : Award 2021 Sidewalk Repair Contract)

INSTRUCTIONS TO BIDDERS

Each Bid Proposal submitted to the City of Morgan Hill ("City") for its 2021 Sidewalk Repair Project ("Project") must be submitted in accordance with the following instructions and requirements:

1. Bid Submission.

1.1 General. Each bid ("Bid Proposal") must be in electronic PDF format and e-mailed to the City staff, using the form provided in the Contract Documents, by or before the date and time set forth in the Notice Inviting Informal Bids, or as amended by subsequent addendum. Hard copy or Faxed Bid Proposals will not be accepted, unless otherwise specified. Late submissions not be accepted. City reserves the right to postpone the date and time for receiving or opening bids. Each bidder is solely responsible for all of its costs to prepare and submit its bid and by submitting a bid waives any right to recover those costs from City. The bid price(s) must include all costs to perform the Work as specified, including all indirect costs such as applicable taxes, insurance and field offices.

1.2 E-Mail Bid Submittal. The City of Morgan Hill ("City"), will accept bids via e-mail to cynthia.iwanaga@morganhill.ca.gov for its 2021 Sidewalk Repair Project ("Project"), by or before Monday, April 26, 2021 at 11:00 a.m., at which time the bids will be publicly opened and read aloud via a Zoom meeting at <http://bit.ly/MHSidewalkBidOpening>.

Bids must be received by the City Staff's e-mail inbox no later than 11:00 a.m. **No late bids will be accepted.**

Please note: If City is unable to confirm that the bidder's DIR registration is current, City must disqualify the bidder and bid will be deemed non-responsive (Labor Code section 1725.5).

2. Examination of Contract Documents and Project Site. Each bidder is solely responsible for diligent and thorough review of the Contract Documents (as defined in the General Conditions), examination of Project site, and reasonable and prudent inquiry concerning known and potential site conditions prior to submitting a Bid Proposal. However, bidders should not enter onto City's property or the Project site without prior written authorization from City. Bidders are responsible for reporting any errors or omissions in the Contract Documents to City prior to submitting a Bid Proposal, subject to the limitations of Public Contract Code Section 1104. City expressly disclaims responsibility for assumptions the bidder might draw from the presence or absence of information provided by City.

3. **Requests for Information.** Questions regarding the Project, the bid procedures or any of the Contract Documents must be submitted in writing to Cynthia Iwanaga at cynthia.iwanaga@morganhill.ca.gov no later than Friday, April 16, 2021 at 5:00 p.m.
4. **Addenda.** Any addenda issued prior to the bid opening are part of the Contract Documents. Subject to the limitations of Public Contract Code section 4104.5, City reserves the right to issue addenda prior to bid time.
5. **Brand Designations and “Or Equal” Substitutions.** Any specification designating a material, product, thing, or service by specific brand or trade name, followed by the words “or equal,” is intended only to indicate quality and type of item desired, and bidders may request use of any equal material, product, thing, or service. All data substantiating the proposed substitute as an “equal” item must be submitted with the written request for substitution. This provision does not apply to materials, products, things, or services that may lawfully be designated by a specific brand or trade name under Public Contract Code Section 3400(c).
 - 5.1 **Pre-Bid Requests.** Any request for submission made before the Contract is awarded must be submitted to the City Engineer at least ten (10) days before the opening of bids so that all interested bidders may be notified of any approved alternative.
 - 5.2 **Post-Award Requests.** After the Contract is awarded, Contractor may submit a substitution within fourteen (14) days after the date of award of the Contract, or as specified in the Special Conditions.
6. **Bidders Interested in More Than One Bid.** No person, firm, or corporation may submit or be a party to more than one (1) Bid Proposal unless alternate bids are specifically called for. However, a person, firm, or corporation that has submitted a subcontract proposal or quote to a bidder may submit subcontract proposals or quotes to other bidders.
7. **Bid Proposal Form and Enclosures.** Each Bid Proposal must be completed in ink using the Bid Proposal form included in the Contract Documents. The Bid Proposal form should be fully completed without interlineations, alterations, or erasures. Any necessary corrections must be clear and legible, and must be initialed by the bidder’s authorized representative. A Bid Proposal submitted with terms such as “negotiable,” “will negotiate,” or similar, will be considered non-responsive. Each Bid Proposal must be accompanied by bid security, as set forth in Section 9 below, and by the completed Subcontractor List, and Non-Collusion Declaration using the forms included in the Contract Documents.

8. **Authorization and Execution.** Each Bid Proposal must be signed by the bidder's authorized representative. A Bid Proposal submitted by a partnership must be signed in the partnership name by a general partner with authority to bind the partnership. A Bid Proposal submitted by a corporation must be signed with the legal name of the corporation, followed by the signature and title of two officers of the corporation with full authority to bind the corporation to the terms of the Bid Proposal, under California Corporation Code section 313.
9. **Bid Security.** Each Bid Proposal must be accompanied by bid security of ten percent (10%) of the maximum bid amount, in the form of a cashier's check, a certified check, or a bid bond, using the form included in the Contract Documents, executed by a surety licensed to do business in the State of California, made payable to City. The bid security must guarantee that upon award of the bid, the bidder will execute and submit the Contract on the form included in the Contract Documents, will submit payment and performance bonds for one hundred percent (100%) of the maximum Contract Price, and will submit the insurance certificates and endorsements as required by the Contract Documents within ten (10) days after issuance of the notice of award.
10. **Withdrawal of Bid Proposals.** A Bid Proposal may not be withdrawn for a period of ninety (90) days after the bid opening without forfeiture of the bid security, except as authorized for material error under Public Contract Code Section 5100 et seq.
11. **Bid Protest.** Any bid protest must be in writing and received by City at the City Attorney's Office at 17575 Peak Avenue, Morgan Hill, CA, (Fax: (408) 779-1592), before 5:00 p.m. no later than two (2) working days following bid opening (the "Bid Protest Deadline") and must comply with the following requirements:
 - 11.1 **General.** Only a bidder who has actually submitted a Bid Proposal is eligible to submit a bid protest against another bidder. Subcontractors are not eligible to submit bid protests. A bidder may not rely on the bid protest submitted by another bidder, but must timely pursue its own protest. If required by City, the protesting bidder must submit a non-refundable fee in the amount specified by City, based upon City's reasonable costs to administer the bid protest. Any such fee must be submitted to City no later than the Bid Protest Deadline, unless otherwise specified. For purposes of this Section 11, a "working day" means a day that City is open for normal business, and excludes weekends and holidays observed by City.
 - 11.2 **Protest Contents.** The bid protest must contain a complete statement of the basis for the protest and all supporting documentation.

Material submitted after the Bid Protest Deadline will not be considered. The protest must refer to the specific portion or portions of the Contract Documents upon which the protest is based. The protest must include the name, address, email address, and telephone number of the person representing the protesting bidder if different from the protesting bidder.

11.3 Copy to Protested Bidder. A copy of the protest and all supporting documents must be concurrently transmitted by fax or by email, by or before the Bid Protest Deadline, to the protested bidder and any other bidder who has a reasonable prospect of receiving an award depending upon the outcome of the protest.

11.4 Response to Protest. The protested bidder may submit a written response to the protest, provided the response is received by City before 5:00 p.m., within two (2) working days after the Bid Protest Deadline or after actual receipt of the bid protest, whichever is sooner (the "Response Deadline"). The response must include all supporting documentation. Material submitted after the Response Deadline will not be considered. The response must include the name, address, email address, and telephone number of the person representing the protested bidder if different from the protested bidder.

11.5 Copy to Protesting Bidder. A copy of the response and all supporting documents must be concurrently transmitted by fax or by email, by or before the Response Deadline, to the protesting bidder and any other bidder who has a reasonable prospect of receiving an award depending upon the outcome of the protest.

11.6 Exclusive Remedy. The procedure and time limits set forth in this section are mandatory and are the bidder's sole and exclusive remedy in the event of bid protest. A bidder's failure to comply with these procedures will constitute a waiver of any right to further pursue a bid protest, including filing a Government Code Claim or initiation of legal proceedings.

11.7 Right to Award. City reserves the right to award the Contract to the bidder it has determined to be the responsible bidder submitting the lowest responsive bid, and to issue a notice to proceed with the Work notwithstanding any pending or continuing challenge to its determination.

- 12. Rejection of Bids; Award of Contract.** City reserves the right, acting in its sole discretion, to waive immaterial bid irregularities, the right to accept or reject any and all bids, or to abandon the Project entirely. The Contract will be awarded, if at all, within ninety (90) days after opening of bids or as otherwise specified in the Special Conditions, to the responsible bidder that submitted the lowest responsive bid.

13. **Bonds.** The successful bidder is required to submit payment and performance bonds as specified in the Contract Documents using the bond forms included in the Contract Documents. All required bonds must be calculated on the maximum total Contract price as awarded, including additive alternates, if applicable.
14. **Evidence of Responsibility.** Within twenty four (24) hours following a request by City, a bidder must submit to City satisfactory evidence showing the bidder's financial resources, the bidder's experience in the type of work being required by City, the bidder's organization available for the performance of the Contract and any other required evidence of the bidder's qualifications to perform the proposed Contract. City may consider such evidence before making its decision awarding the proposed Contract.
15. **License(s).** The successful bidder and its Subcontractor(s) must possess the California contractor's license(s) in the classification(s) required by law to perform the Work.
16. **Taxes.** The bid price must include all applicable federal, state, and local taxes.
17. **Ineligible Subcontractor.** Any Subcontractor who is ineligible to perform work on a public works project under Labor Code Sections 1777.1 or 1777.7 is prohibited from performing work on this Project.
18. **DIR Registration.** City will not accept a Bid Proposal from or enter into the Contract with a bidder, without proof that the bidder and its Subcontractors are registered with the DIR to perform public work under Labor Code Section 1725.5, subject to limited legal exceptions.
19. **Bid Schedule.** Bidders are required to fully complete the Bid Schedule form accompanying the Bid Proposal form with unit prices as indicated, and to submit the completed Bid Schedule with their Bid Proposal.
 - 19.1 **Incorrect Totals.** In the event of a computational error for any bid item (base bid or alternate) resulting in an incorrect extended total for that item, the submitted base bid or bid alternate total will be adjusted to reflect the corrected amount (estimated quantity X unit cost), unless the cumulative amount of correction changes the total amount of the base bid or bid alternate by more than five percent (5%). In the event of a discrepancy between the actual total of the itemized or unit prices shown on the Bid Schedule for the base bid, and the amount entered as the base bid on the Bid Proposal form, the actual total of the itemized or unit prices shown on the Bid Schedule for the base bid will be deemed the base bid price.

Likewise, in the event of a discrepancy between the actual total of the itemized or unit prices shown on the Bid Schedule for any bid alternate, and the amount entered for the alternate on the Bid Proposal form, the actual total of the itemized prices shown on the Bid Schedule for that alternate will be deemed the alternate price. Nothing in this provision is intended to prevent a bidder from requesting to withdraw its bid for material error under Public Contract Code Section 5100 et seq.

19.2 Estimated Quantities. The quantities shown on the Bid Schedule are estimated and the actual quantities required to perform the Work may be greater or less than the estimated amount. The Contract Price will be adjusted to reflect the actual quantities required for the Work based on the itemized or unit prices provided in the Bid Schedule, with no allowance for anticipated profit for quantities that are deleted or decreased.

- 20. Subcontractor Work Limits.** The prime contractor must perform at least 50% of the Work on the Project, calculated as a percentage of the base bid price, with its own forces, except for any Work identified as "Specialty Work" in the Contract Documents. The total bid amount for any such Specialty Work, as shown on the Bid Schedule, may be deducted from the base bid price before computing the 50% self-performance requirement. The remaining Work may be performed by qualified Subcontractor(s).
- 21. Local Preference.** Submittals will be evaluated based upon a local preference, which allows local businesses to reduce their bid amounts up to five (5%) percent in order to become the lowest bidder. The local businesses must also affirmatively mark on their bid submittal that they are a local business and that they willing to reduce their bid amount by up to 5% in order to make their bid the lowest. If the lowest price submitted for services is from a non-local business, local businesses who have affirmatively marked their willingness to reduce their bid amount by up to 5%, shall be given the opportunity to lower their bid prices by up to 5% to become the lowest bidder. This reduction in the bid amount will be allowed if their bid is otherwise equally responsive and responsible in meeting the requirements of the City's Notice Inviting Informal Bids.
- 22. Bidder's Questionnaire.** A completed, signed Bidder's Questionnaire using the form provided with the Contract Documents and including all required attachments must be submitted within forty eight (48) hours following a request by City. A bid that does not fully comply with this requirement may be rejected as nonresponsive. A bidder who submits a Bidder's Questionnaire which is subsequently determined to contain false or misleading information, or material omissions, may be disqualified as non-responsible.

END OF INSTRUCTIONS TO BIDDERS

Attachment: 2021 Sidewalk Repair BID Docs [Revision 1] (3077 : Award 2021 Sidewalk Repair Contract)

BID PROPOSAL

2021 Sidewalk Repair Project

_____ (“Bidder”) hereby submits this Bid Proposal to the City of Morgan Hill (“City”) for the above-referenced project (“Project”) in response to the Notice Inviting Informal Bids and in accordance with the Contract Documents referenced therein.

1. **Base Bid.** Bidder proposes to perform and fully complete the Work for the Project as specified in the Contract Documents, within the time required for full completion of the Work, for the following price (“Base Bid”):
\$ _____.

2. **Addenda.** Bidder acknowledges receipt of the following addenda:

Addendum:	Date Received:	Addendum:	Date Received:
#01	_____	#05	_____
#02	_____	#06	_____
#03	_____	#07	_____
#04	_____	#08	_____

3. **Bidder’s Warranties.** By signing and submitting this Bid Proposal, Bidder warrants the following:
 - 3.1 **Examination of Contract Documents.** Bidder has thoroughly examined the Contract Documents, and represents that, to the best of Bidder’s knowledge there are no errors, omissions, or discrepancies in the Contract Documents subject to the limitations of Public Contract Code Section 1104.
 - 3.2 **Examination of Worksite.** Bidder has had the opportunity to examine the Worksite and local conditions at the Project location.
 - 3.3 **Bidder is Qualified.** Bidder is fully qualified to perform the Work.
 - 3.4 **Responsibility for Bid.** Bidder has carefully reviewed this Bid Proposal and is solely responsible for any errors or omissions contained in its completed Bid.
4. **Award of Contract .** By signing and submitting this Bid Proposal, Bidder agrees that if Bidder is awarded the Contract for the Project, that within ten (10) days following issuance of the notice of award to Bidder, Bidder will do all of the following:

4.1 Execute Contract. Enter into the Contract with City in accordance with the terms of this Bid Proposal, by signing and submitting to City the Contract prepared by City using the form included with the Contract Documents;

4.2 Submit Required Bonds. Submit to City a payment bond and a performance bond, each for one hundred percent (100%) of the Contract Price, using the bond forms provided and in accordance with the requirements of the Contract Documents; and

4.3 Insurance Requirements. Submit to City the insurance certificate(s) and endorsement(s) as required by the Contract Documents.

- 5. Wage Theft Prevention.** All Bidders are expected to have read and understand the "Wage Theft Prevention Policy" adopted by the City Council on July 26, 2017.

The undersigned Bidder certifies that neither Bidder nor its principals have been found by a final court judgement or final administrative action of an investigatory agency to have violated federal, state or local wage and hour laws within the past five years from the date of the submitted bid. Bidder or its principals who are unable to so certify, must disclose wage and hour violations, and shall provide a copy of (i) the court order and judgment and/or final administrative decision; and (ii) documents demonstrating either that the order/judgment has been satisfied, or if the order/judgment has not been fully satisfied, a written and signed description of Bidder's efforts to date to satisfy the order/judgment. Signing this bid shall constitute signature of this Certification.

The City, at its sole discretion, may disqualify a bidder based on one or more disclosed judgments consistent with the criteria set forth in the Policy.

- 6. Bid Security.** As a guarantee that if awarded the Contract, it will perform its obligations under Section 4, above, Bidder is enclosing bid security in the amount of ten percent (10%) of its maximum bid amount in the following form:

_____ A cashier's check or certified check payable to City of Morgan Hill and issued by _____ Bank in the amount of \$_____.

_____ A bid bond, using the Bid Bond form included with the Contract Documents, payable to City of Morgan Hill and executed by a surety licensed to do business in the State of California.

7. Local Preference.

☐ Check this box if you are a local business as defined by the Morgan Hill Municipal Code Section 3.04.030 and would like to apply the local business quotation preference by reducing the bid or proposal price submitted by up to five percent (5%) in order to be the low bidder.

This Bid Proposal is hereby submitted on _____, 20__:

s/ _____
Name and Title [print]

Company Name CSLB License # and Classification

DIR Registration #

Address Phone

City, State, Zip E-Mail

END OF BID PROPOSAL

**BID SCHEDULE I – GENERAL
2021 SIDEWALK REPAIR PROJECT**

NAME OF CONTRACTOR: _____

This Bid Schedule must be completed in ink and must be included with the sealed Bid Proposal. The unit cost for each item must be inclusive of all costs, whether direct or indirect, including profit and overhead. The sum of all amounts entered in the “Extended Total” column must be identical to the Base Bid price entered in Section 1 of the Bid Proposal Form. Quantities shown are required for bid purposes and may or may not be final pay quantities. Actual quantities, if different, must be substantiated during the Project by Contractor (either by field measurement, trucking tags, or other means acceptable to the Engineer).

Bid Item	Description of Bid Item	Approximate Quantity/Unit of Measure	Unit Price	Extended Total
1	Remove and Replace Concrete Sidewalks at locations within the City of Morgan Hill indicated on attached list of locations	8,551 sq. ft.		
2				
3				
4				
5				

Bid Schedule I Total	
-----------------------------	--

END OF BID SCHEDULE

SUBCONTRACTOR LIST

For each Subcontractor who will perform a portion of the Work in an amount in excess of one-half of 1% of the Bidder's total Contract Price,¹ the bidder must list a description of the work, the name of the Subcontractor, its California contractor license number, the location of its place of business, and DIR registration number. **Bidders: Please print legibly. Illegible forms may be rejected.**

DESCRIPTION OF WORK	SUBCONTRACTOR NAME	CALIFORNIA CONTRACTOR LICENSE NUMBER	DIR REG. NO.	LOCATION OF BUSINESS	LOCAL VENDOR ² YES/NO

END OF SUBCONTRACTOR LIST

¹ For street or highway construction this requirement applies to any subcontract of \$10,000 or more.

² A Subcontractor is considered local if its principle place of business is within the city limits of Morgan Hill.

NONCOLLUSION DECLARATION

(To be executed by bidder and submitted with bid)

State of California	)	ss.
	)	
County of _____	)	

The undersigned declares:

I am the _____ [title] of
 _____ [business name], the party
 making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has no paid and will not pay, any person or entity for such purpose.

This declaration is intended to comply with California Public Contract Code Section 7106 and Title 23 U.S.C Section 112.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on
 _____ [date], at _____ [city],
 _____ [state].

s/ _____

 Name [print]

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE ' 1189

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 _____, before me,

a Notary Public in and for said County and State, personally appeared

 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.

SIGNATURE OF NOTARY PUBLIC

Place Notary Seal Above

BID BOND

_____ (“Bidder”) has submitted a bid, dated _____, 20____ (“Bid”), to the City of Morgan Hill (“City”) for work on the 2021 Sidewalk Repair Project (“Project”). Under this duly executed bid bond (“Bid Bond”), Bidder as Principal and _____, its surety (“Surety”), are bound to City as obligee in the penal sum of ten percent (10%) of the maximum amount of the Bid (the “Bond Sum”). Bidder and Surety bind themselves and their respective heirs, executors, administrators, successors and assigns, jointly and severally, as follows:

1. **General.** If Bidder is awarded the Contract for the Project, Bidder will enter into the Contract with City in accordance with the terms of the Bid.
2. **Submittals.** Within ten (10) days following issuance of the notice of award to Bidder, Bidder must submit to City the following:
 - 2.1 **Contract.** The executed Contract, using the form provided by City in the Project contract documents (“Contract Documents”);
 - 2.2 **Payment Bond.** A payment bond for one hundred percent (100%) of the maximum Contract Price, executed by a surety licensed to do business in the State of California using the Payment Bond form included with the Contract Documents;
 - 2.3 **Performance Bond.** A performance bond for one hundred percent (100%) of the maximum Contract Price, executed by a surety licensed to do business in the State of California using the Performance Bond form included with the Contract Documents; and
 - 2.4 **Insurance.** The insurance certificate(s) and endorsement(s) required by the Contract Documents, and any other documents required under the Instructions for Bidders.
3. **Enforcement.** If Bidder fails to execute the Contract and to submit the bonds and insurance certificates as required by the Contract Documents, Surety guarantees that Bidder forfeits the Bond Sum to City. Any notice to Surety may be given in the manner specified in the Contract and delivered or transmitted to Surety as follows:

Attn: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____
 Fax: _____

Email: _____

- 4. Duration; Waiver.** If Bidder fulfills its obligations under Section 2, above, then this obligation will be null and void; otherwise it will remain in full force and effect for ninety (90) days following award of the Contract or until this Bid Bond is returned to Bidder, whichever occurs first. Surety waives the provisions of Civil Code Sections 2819 and 2845.

This Bid Bond is entered into and is effective on _____,
20____.

SURETY:

s/ _____

Name: _____

Title: _____

(Attach Acknowledgement, Notary Seal, and Attorney-In-Fact Certificate)

CONTRACTOR:

s/ _____

Name: _____

Title: _____

APPROVED AS TO FORM:

By: _____
Donald A. Larkin, City Attorney

Date: _____

BIDDER'S QUESTIONNAIRE

2021 SIDEWALK REPAIR PROJECT

Within forty eight (48) hours following a request by City, a bidder must submit to City a completed, signed Bidder's Questionnaire using this form and including all required attachments. City may request the Questionnaire from one (1) or more of the apparent low bidders following the bid opening, and may use the completed Questionnaire to evaluate a bidder's qualifications for this Project. The Questionnaire must be filled out completely, accurately, and legibly. Any errors, omissions, or misrepresentations in completion of the Questionnaire may be grounds for rejection of the bid or termination of a Contract awarded pursuant to the bid.

Part 1: General Information

Bidder Business Name: _____ ("Bidder")

Check One: ☐ Corporation
☐ Partnership
☐ Sole Proprietorship
☐ Joint Venture of: _____
☐ Other: _____

Address: _____

Phone: _____

Fax: _____

Owner of Company: _____

Contact Person: _____

Email: _____

Bidder's California Contractor's License Number(s):

Part 2: Bidder Experience

1. How many years has bidder been in business under its present business name? _____

2. Has bidder completed projects similar in type and size to this Project as a general contractor? _____

3. Has bidder ever been disqualified on grounds that it is not responsible? If yes, provide additional information on a separate sheet of paper regarding the disqualification, including the name and address of the agency or owner of the subject project, the type and size of the project, the reasons that bidder was disqualified as not responsible, and the month and year in which the disqualification occurred.

4. Has bidder ever been terminated from a construction project, either as a general contractor or as a subcontractor? If yes, provide additional information on a separate sheet of paper regarding the termination, including the name and address of the agency or owner of the subject project, the type and size of the project, whether bidder was under contract as a general contractor or a subcontractor, the reasons that bidder was terminated, and the month and year in which the termination occurred.

5. Provide information about bidder's past projects performed as general contractor as follows:

5.1 Six (6) most recently completed public works projects within the last three (3) years;

5.2 Three (3) largest completed projects within the last three (3) years; and

5.3 Any project which is similar to this Project.

6. Use separate sheets of paper provide all of the following information for each project identified in response to the above three (3) categories:

- 6.1 Project name
- 6.2 Location
- 6.3 Owner
- 6.4 Owner contact (name and current phone number)
- 6.5 Architect or engineer name
- 6.6 Architect or engineer contact (name and current phone number)
- 6.7 Project manager (name and current phone number)
- 6.8 Description of project, scope of work performed
- 6.9 Initial contract value (at time of bid award)
- 6.10 Final cost of construction (including change orders)
- 6.11 Original scheduled completion date
- 6.12 Time extensions granted (number of days)
- 6.13 Actual date of completion
- 6.14 Number and amount of stop notices or mechanic's liens filed

- 6.15 Amount of liquidated damages assessed against Bidder
 6.16 Nature and resolution of any claim, lawsuit, and/or arbitration between Bidder and the owner.

Part 3: Verification

In signing this document, I, the undersigned, declare that I am duly authorized to sign and submit this Bidder's Questionnaire on behalf of the named bidder, and that all responses and information set forth in this Bidder's Questionnaire and accompanying attachments are, to the best of my knowledge, true, accurate and complete as of the date of submission. **I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

Signature: _____ Date: _____

By [name, title]: _____

END OF BIDDER'S QUESTIONNAIRE

CONTRACT

This public works contract ("Contract") is entered into by and between the City of Morgan Hill ("City") and [REDACTED] ("Contractor") for work on the 2021 Sidewalk Repair Project ("Project").

The parties agree as follows:

1. **Award of Contract.** In response to the Notice Inviting Informal Bids, Contractor has submitted a Bid Proposal to perform work on the Project, and on [REDACTED], 20[REDACTED], (Contract Date) City authorized award of this Contract to Contractor for the amount of Contractor's bid.
2. **Contract Documents.** The Contract Documents incorporated into this Contract include and are comprised of all of the following:
 - 2.1 Notice Inviting Informal Bids;
 - 2.2 Instructions to Bidders;
 - 2.3 Addenda, if any;
 - 2.4 Bid Proposal and attachments thereto;
 - 2.5 Contract;
 - 2.6 Payment and Performance Bonds;
 - 2.7 General Conditions;
 - 2.8 Special Conditions;
 - 2.9 Project Drawings and Specifications;
 - 2.10 Change Orders, if any;
 - 2.11 Notice of Award;
 - 2.12 Notice to Proceed;
 - 2.13 And the following:

"No other documents"

3. **Contractor's Obligations.** Contractor agrees to perform all of the Work required for the Project, as specified in the Contract Documents. Contractor must provide, furnish, and supply all things necessary and incidental for the timely performance and completion of the Work, including all necessary labor, materials, equipment, transportation, and utilities, unless otherwise specified in the Contract Documents. Contractor must use its best efforts to complete the Work in a professional and expeditious manner and to meet or exceed the performance standards required by the Contract Documents.

4. **Payment.** As full and complete compensation for Contractor's timely performance and completion of the Work in strict accordance with the terms and conditions of the Contract Documents, City will pay Contractor _____ Dollars (\$) _____ (the "Contract Price"), in accordance with the payment provisions in the General Conditions. The Contract Price includes all applicable federal, state, and local taxes.
5. **Time for Completion.** Contractor will fully complete the Work for the Project within 45 calendar days from the commencement date given in the Notice to Proceed ("Contract Time"). By signing below, Contractor expressly waives any claim for delayed early completion.
6. **Liquidated Damages.** If Contractor fails to complete the Work within the Contract Time, City will assess liquidated damages in the amount of Five Hundred Dollars (\$500.00) for each day of unexcused delay in completion, and the Contract Price will be reduced accordingly.
7. **Labor Code Compliance.**
- 7.1 **General.** This Contract is subject to all applicable requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code, including requirements pertaining to wages, working hours and workers' compensation insurance.
- 7.2 **Prevailing Wages.** This Project is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. Copies of these prevailing rates are available online at <http://www.dir.ca.gov/DLSR>.
- 7.3 **DIR Registration.** City will not accept a Bid Proposal from or enter into the Contract with a bidder, without proof that the bidder and its Subcontractors are registered with the California Department of Industrial Relations ("DIR") to perform public work under Labor Code Section 1725.5, subject to limited legal exceptions.
8. **Workers' Compensation Certification.** Under Labor Code Section 1861, by signing this Contract, Contractor certifies as follows: "I am aware of the provisions of Labor Code Section 3700 which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work on this Contract."

- 9. Notice.** Any notice required by the Contract Documents must be made in writing, and sent to the other party by personal delivery, U.S. Mail, a reliable overnight delivery service, facsimile, or by email as a PDF (or comparable) file. Notice is deemed effective upon delivery unless otherwise specified. Notice for each party must be given as follows:

City:

City of Morgan Hill
 17575 Peak Avenue
 Morgan Hill, CA 95037
 Phone: (409) 779-7259
 Attn: City Clerk
 Email: michelle.bigelow@morganhill.ca.gov
 Copy to: keri.russell@morganhill.ca.gov

Contractor:

Name: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____
 Attn: _____
 Email: _____
 Copy to: _____

10. General Provisions.

- 10.1 Assignment and Successors.** Contractor may not assign its rights or obligations under this Contract, in part or in whole, without City's written consent. This Contract is binding on Contractor's successors and permitted assigns.
- 10.2 Third Party Beneficiaries.** There are no intended third party beneficiaries to this Contract except as expressly provided in the General Conditions or Special Conditions.
- 10.3 Governing Law and Venue.** This Contract will be governed by California law and venue will be in the Superior Court of Santa Clara County, and no other place.
- 10.4 Amendment.** No amendment or modification of this Contract will be binding unless it is in a writing duly authorized and signed by the parties to this Contract.

- 10.5 Integration; Severability.** This Contract and the Contract Documents incorporated herein, including authorized amendments or Change Orders thereto, constitute the final, complete, and exclusive terms of the agreement between City and Contractor. If any provision of the Contract Documents, or portion of a provision, is determined to be illegal, invalid, or unenforceable, the remaining provisions of the Contract Documents will remain in full force and effect.
- 10.6 Authorization.** Each individual signing below warrants that he or she is authorized to do so by the party that he or she represents, and that this Contract is legally binding on that party. If Contractor is a corporation, signatures from two (2) officers of the corporation are required pursuant to California Corporation Code Section 313.

[Signatures are on the following page.]

AS SET FORTH IN CA. CORP. CODE § 313, TWO SIGNATURES ARE REQUIRED FOR CALIFORNIA CORPORATIONS:

(1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; AND
2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER OR ASSISTANT TREASURER.

The parties agree to this Contract as witnessed by the signatures below:

CITY OF MORGAN HILL:

Christina J. Turner
City Manager

Date: _____

Attest:

Michelle Bigelow
Deputy City Clerk

Date: _____

Approved as to Form:

Donald A. Larkin
City Attorney

Date: _____

CONTRACTOR:

[NAME OF CONTRACTOR]

Signature

Name/Title [print]

Date: _____

Corporate entities must provide a second signature:

Signature

Name/Title [print]

Date: _____

Contractor's License Number(s)

Expiration Date(s)

Seal:

Contractor's DIR Registration Number(s)

Expiration Date

END OF CONTRACT

PAYMENT BOND

The City of Morgan Hill ("City") and _____ ("Contractor") have entered into a contract, dated _____, 20__ ("Contract") for work on the 2021 Sidewalk Repair Project ("Project"). The Contract is incorporated by reference into this Payment Bond ("Bond").

1. **General.** Under this Bond, Contractor as principal and _____, its surety ("Surety"), are bound to City as obligee in an amount not less than _____ Dollars (\$_____) ("Bond Sum"), under California Civil Code Sections 9550, et seq.
2. **Surety's Obligation.** If Contractor or any of its Subcontractors fails to pay any of the persons named in California Civil Code Section 9100 amounts due under the Unemployment Insurance Code with respect to work or labor performed under the Contract, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of Contractor and its Subcontractors, under California Unemployment Insurance Code Section 13020, with respect to the work and labor, then Surety will pay for the same.
3. **Beneficiaries.** This Bond inures to the benefit of any of the persons named in California Civil Code Section 9100, so as to give a right of action to those persons or their assigns in any suit brought upon this Bond. Contractor must promptly provide a copy of this Bond upon request by any person with legal rights under this Bond.
4. **Duration.** If Contractor promptly makes payment of all sums for all labor, materials, and equipment furnished for use in the performance of the Work required by the Contract, in conformance with the time requirements set forth in the Contract and as required by California law, Surety's obligations under this Bond will be null and void. Otherwise, Surety's obligations will remain in full force and effect.
5. **Waivers.** Surety waives any requirement to be notified of alterations to the Contract or extensions of time for performance of the Work under the Contract. Surety waives the provisions of Civil Code Sections 2819 and 2845. City waives requirement of a new bond for any supplemental contract under Civil Code Section 9550. Any notice to Surety may be given in the manner specified in the Contract and delivered or transmitted to Surety as follows:

Attn: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____
 Fax: _____
 Email: _____

6. Law and Venue. This Bond will be governed by California law, and any dispute pursuant to this Bond will be venued in the Superior Court of Santa Clara County, and no other place. Surety will be responsible for City's attorneys' fees and costs in any action to enforce the provisions of this Bond.

7. Effective Date; Execution. This Bond is entered into and is effective on _____, 20____.

SURETY:

CONTRACTOR:

s/ _____

s/ _____

Name: _____

Name: _____

Title: _____

Title: _____

(Attach Acknowledgment with Notary
 Seal and Power of Attorney)

APPROVED AS TO FORM:

By: _____
 Donald A. Larkin, City Attorney

Date: _____

END OF PAYMENT BOND

Attachment: 2021 Sidewalk Repair BID Docs [Revision 1] (3077 : Award 2021 Sidewalk Repair Contract)

PERFORMANCE BOND

The City of Morgan Hill ("City") and _____ ("Contractor") have entered into a contract, dated _____, 20____ ("Contract") for work on the 2021 Sidewalk Repair Project ("Project"). The Contract is incorporated by reference into this Performance Bond ("Bond").

1. **General.** Under this Bond, Contractor as Principal and _____, its surety ("Surety"), are bound to City as obligee for an amount not less than _____ Dollars (\$_____) (the "Bond Sum"). By executing this Bond, Contractor and Surety bind themselves and their respective heirs, executors, administrators, successors and assigns, jointly and severally, to the provisions of this Bond.
2. **Surety's Obligations; Waiver.** If Contractor fully performs its obligations under the Contract, including its warranty obligations under the Contract, Surety's obligations under this Bond will become null and void upon recordation of the notice of completion, provided Contractor has timely provided a warranty bond as required under the Contract. Otherwise Surety's obligations will remain in full force and effect until expiration of the one (1) year warranty period under the Contract. Surety waives any requirement to be notified of and further consents to any alterations to the Contract made under the applicable provisions of the Contract Documents, including changes to the scope of Work or extensions of time for performance of Work under the Contract. Surety waives the provisions of Civil Code Sections 2819 and 2845.
3. **Application of Contract Balance.** Upon making a demand on this Bond, City will make the Contract Balance available to Surety for completion of the Work under the Contract. For purposes of this provision, the Contract Balance is defined as the total amount payable by City to Contractor as the Contract Price minus amounts already paid to Contractor, and minus any liquidated damages, credits, or backcharges to which City is entitled under the terms of the Contract.
4. **Contractor Default.** Upon written notification from City that Contractor is in default under Article 13 of the Contract General Conditions, time being of the essence, Surety must act within the time specified in Article 13 to remedy the default through one of the following courses of action:
 - 4.1 Arrange for completion of the Work under the Contract by Contractor, with City's consent, but only if Contractor is in default solely due to its financial inability to complete the Work;

4.2 Arrange for completion of the Work under the Contract by a qualified contractor acceptable to City, and secured by performance and payment bonds issued by an admitted surety as required by the Contract Documents, at Surety's expense; or

4.3 Waive its right to complete the Work under the Contract and reimburse City the amount of City's costs to have the remaining Work completed.

- 5. Surety Default.** If Surety defaults on its obligations under the Bond, City will be entitled to recover all costs it incurs due to Surety's default, including legal, design professional, or delay costs.
- 6. Notice.** Any notice to Surety may be given in the manner specified in the Contract and delivered or transmitted to Surety as follows:

Attn: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____
 Fax: _____
 Email: _____

- 7. Law and Venue.** This Bond will be governed by California law, and any dispute pursuant to this Bond will be venued in the Superior Court of Santa Clara County, and no other place. Surety will be responsible for City's attorneys' fees and costs in any action to enforce the provisions of this Bond.
- 8. Effective Date; Execution.** This Bond is entered into and is effective on _____, 20____.

[Signatures are on the following page.]

SURETY:

s/ _____

Name: _____

Title: _____

(Attach Acknowledgment with Notary
Seal and Power of Attorney)

CONTRACTOR:

s/ _____

Name: _____

Title: _____

APPROVED AS TO FORM:

By: _____
Donald A. Larkin, City Attorney

Date: _____

END OF PERFORMANCE BOND

Attachment: 2021 Sidewalk Repair BID Docs [Revision 1] (3077 : Award 2021 Sidewalk Repair Contract)

WARRANTY BOND

The City of Morgan Hill ("City") and

_____ ("Contractor") have entered into a contract, dated _____, 20__ ("Contract") for work on the 2021 Sidewalk Repair Project ("Project"). The Contract is incorporated by reference into this Warranty Bond ("Bond").

1. **General.** Under this Bond, Contractor as principal and _____, its surety ("Surety"), are bound to City as obligee in the maximum amount of _____ Dollars (\$_____) or 50% of the final Contract Price, whichever is greater ("Bond Sum").
2. **Warranty Period.** The Contract requires Contractor to guarantee its work and that of its Subcontractors on the Project, against defects in materials or workmanship which are discovered during the one (1) year period commencing with recordation of the Notice of Completion (the "Warranty Period").
3. **Surety's Obligations.** If Contractor faithfully carries out and performs its guarantee under the Contract, and, on due notice from City, repairs and make good at its sole expense any and all defects in materials and workmanship in the Project which are discovered during the Warranty Period, or if Contractor promptly reimburses City for all loss and damage that City sustains because of Contractor's failure to makes such repairs in accordance with the Contract requirements, then Surety's obligations under this Bond will be null and void. Otherwise, Surety's obligations will remain in full force and effect.
4. **Waiver.** Surety waives the provisions of Civil Code Sections 2819 and 2845.
5. **Notice.** Any notice to Surety may be given in the manner specified in the Contract and delivered or transmitted to Surety as follows:

 Attn: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____
 Fax: _____
 Email: _____
6. **Law and Venue.** This Bond will be governed by California law, and any dispute pursuant to this Bond will be venued in the Superior Court of Santa Clara County, and no other place. Surety will be responsible for City's

attorneys' fees and costs in any action to enforce the provisions of this Bond.

7. Effective Date; Execution. This Bond is entered into and is effective on _____, 20____.

SURETY:

s/ _____

Name: _____

Title: _____

(Attach Acknowledgment with Notary Seal and Power of Attorney)

CONTRACTOR:

s/ _____

Name: _____

Title: _____

APPROVED AS TO FORM:

By: _____
Donald A. Larkin, City Attorney

Date: _____

END OF WARRANTY BOND

Attachment: 2021 Sidewalk Repair BID Docs [Revision 1] (3077 : Award 2021 Sidewalk Repair Contract)

GENERAL CONDITIONS

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Article 1 Definitions

1.1 Definitions. The following definitions apply to all of the Contract Documents unless otherwise indicated. Defined terms and titles of documents are capitalized in the Contract Documents, with the exception of the words “day,” “furnish,” “including,” “install,” “work day” or “working day.”

Allowance means an amount included in the Bid Proposal for Work that may or may not be included in the Project, depending on conditions that will not become known until after bids are opened. If the Contract Price includes an Allowance and the cost of performing the Work covered by that Allowance is greater or less than the Allowance, the Contract Price will be increased or decreased accordingly.

Article, as used in these General Conditions, means a numbered Article of the General Conditions, unless otherwise indicated by the context.

Change Order means a written document duly approved and executed by City, which changes the scope of Work, the Contract Price, or the Contract Time.

City means the City of Morgan Hill, acting through its City Council, officers, employees, and authorized representatives.

City Engineer means the City Engineer for the City and his or her authorized delegee(s) designated to oversee and manage the Project on City’s behalf.

Claim means a separate demand by Contractor for change in the Contract Time or Contract Price, that has previously been submitted to City in accordance with the requirements of the Contract Documents, and which has been rejected by City, in whole or in part; or a written demand by Contractor objecting to the amount of Final Payment.

Contract means the signed agreement between City and Contractor.

Contract Documents means, collectively, all of the documents listed as such in Section 2 of the Contract, including the Notice Inviting Informal Bids; the Instructions to Bidders; addenda, if any; the Bid Proposal, and attachments thereto; the Contract; the notice of award and notice to proceed; the payment and performance bonds; the General Conditions; the Special Conditions; the Project Drawings and Specifications; any Change Orders; and any other documents expressly made part of the Contract Documents.

Contract Price means the total compensation to be paid to Contractor for performance of the Work, as set forth in the Contract and as amended by Change Order or adjusted for an Allowance. The Contract Price is not subject to adjustment due to inflation or due to the increased cost of labor, material, or equipment following submission of the Bid Proposal. The Contract Price is deemed to include all applicable federal, state, and local taxes

Contract Time means the number of calendar days for performance of the Work, as set forth in the Contract and as amended by Change Order.

Contractor means the individual, partnership, corporation, or joint-venture who has signed the Contract with City to perform the Work.

Day means a calendar day unless otherwise specified.

Design Professional means the licensed individual(s) or firm(s) retained by City to provide architectural or engineering services for the Project. If no Design Professional has been retained for this Project, any reference to Design Professional is deemed to refer to the Engineer.

Drawings means City-provided plans and graphical depictions of the Project requirements, and does not include Shop Drawings.

Engineer means the City Engineer for the City of Morgan Hill and his or her authorized delegee(s).

Final Completion means Contractor has fully completed all of the Work required by the Contract Documents, including all punch list items, any required commissioning, and has provided all required submittals, including the warranty bond, instructions and manuals, and as-built drawings to City's satisfaction.

Final Payment means payment to Contractor of the unpaid Contract Price, including release of undisputed retention, less amounts withheld pursuant to the Contract Documents, including liquidated damages, up to one hundred twenty five percent (125%) of the amount of any unreleased stop notice, amounts subject to setoff, up to one hundred fifty percent (150%) of any unresolved third-party claim for which Contractor is required to indemnify City, and up to one hundred fifty percent (150%) of any amount in dispute as authorized by Public Contract Code Section 7107.

Furnish means to purchase and deliver to the Worksite designated for installation.

Hazardous Materials means any substance or material identified now or in the future as hazardous under any federal, state, or local law or regulation, or any other substance or material that may be considered hazardous or otherwise subject to statutory or regulatory requirements governing handling, disposal, or cleanup.

Including, whether or not capitalized, means “including, but not limited to,” unless the context requires otherwise.

Inspector means the individual(s) or firm(s) retained by City to inspect the workmanship, materials, and manner of construction of the Project and its components to ensure compliance with the Contract Documents and all applicable codes, regulations, and permits.

Install means to fix in place for materials, and to fix in place and connect for equipment.

Project means the public works project referenced in the Contract.

Project Manager means the individual designated by City to oversee and manage the Project on City’s behalf and may include his or her authorized delegee(s) when Project Manager is unavailable. If no Project Manager has been designated for this Project, any reference to Project Manager is deemed to refer to the Engineer.

RFI means a written request from Contractor for information from City or Design Professional.

Section as used in these General Conditions, means a numbered Section of the General Conditions, unless otherwise indicated by the context.

Shop Drawings means drawings, plan details or other graphical depictions prepared by or on behalf of Contractor, and subject to City approval, which are

intended to provide details for fabrication, installation, and the like, of items required by or shown in the Drawings and Specifications.

Specifications means the technical, text specifications describing the Project requirements, which are prepared for and incorporated into this Project by or on behalf of City, and does not include the Contract, General Conditions or Special Conditions.

Subcontractor means an individual, partnership, corporation, or joint-venture retained by Contractor directly or indirectly through a subcontract to perform a specific portion of the Work. The term Subcontractor applies to subcontractors, suppliers, fabricators, and equipment lessors of all tiers, unless otherwise indicated by the context.

Technical Specifications means Specifications.

Work means all of the construction and services necessary or incidental to completing the Project in conformance with the requirements of the Contract Documents.

Work Day or Working Day, whether or not capitalized, means a weekday which is not a holiday observed by City.

Worksite means the place or places where the Work is performed.

Article 2 Roles and Responsibilities

2.1 Design Professional.

(A) **General.** Design Professional, as City's representative, is responsible for the overall design of the Project, and to the extent authorized by City, may act on City's behalf to ensure performance of the Work in compliance with the Contract Documents.

(B) **Interpretation.** Design Professional will decide all questions pertaining to interpretation of the Drawings or Specifications. Design Professional's decision regarding interpretation of the Drawings or Specifications is final and conclusive.

2.2 Contractor.

(A) **General.** Contractor must provide all labor, materials, equipment and services necessary to perform and timely complete the Work in strict accordance with the Contract Documents, and in an economic and efficient manner in the best interests of City.

(B) **Responsibility for the Work.** Contractor is responsible for supervising and directing all aspects of the Work to facilitate the efficient and timely completion of the Work. Contractor is solely responsible for, and required to exercise full control over, construction means, methods, techniques, sequences, procedures, and coordination of all portions of the Work with that of all other Contractors and Subcontractors, except to the extent that the Contract Documents provide other specific instructions.

(C) **Project Administration.** Contractor must provide sufficient and competent administration, staff, and skilled workforce necessary to perform and timely complete the Work in accordance with the Contract Documents. Before starting the Work, Contractor must designate in writing and provide complete contact information, including phone numbers and email address, for the officer or employee in Contractor's organization who is to serve as Contractor's primary representative for the Project, and who has authority to act on Contractor's behalf. A Subcontractor may not serve as Contractor's primary representative.

(D) **On-Site Superintendent.** Contractor must, at all times during performance of the Work, provide a qualified and competent full-time superintendent, acceptable to City, and assistants, as necessary, who must be physically present at the Project site while any aspect of the Work is being performed. Failure to comply may result in temporary suspension of the Work, at Contractor's sole expense and with no extension of

Contract Time, until the superintendent is physically present to supervise the Work. Contractor must provide written notice to City, as soon as practicable, before replacing the superintendent.

(E) **Standards; Compliance.** Contractor must, at all times, ensure that the Work is performed in a good workmanlike manner following best practices and in full compliance with the Contract Documents and all applicable laws, regulations, codes, standards, and permits.

(F) **Responsible Party.** Contractor is solely responsible to City for the acts or omissions of any party or parties performing portions of the Work or providing equipment, materials or services for or on behalf of Contractor or its Subcontractors. If any person employed by Contractor fails or refuses to comply with the Engineer's directions regarding the performance of the Work, or is determined by the Engineer to be incompetent to perform the Work, or acts in a disorderly or improper manner at the Worksite, that person may be permanently dismissed from the Project at the request of the Engineer.

(G) **Correction of Defects.** Contractor must promptly correct, at Contractor's sole expense, any Work that is determined by City, Project Manager, or the Inspector to be deficient or defective in workmanship, materials, and equipment.

(H) **Contractor's Records.** Contractor must maintain all of its records relating to the Project in any form, including paper documents, photos, videos and electronic records. Project records subject to this provision include, but are not limited to, Project cost records and records relating to preparation of Contractor's bid.

(1) Contractor's cost records must include all supporting documentation, including original receipts, invoices, and payroll records, evidencing its direct costs to perform the Work, including, but not limited to, costs for labor, materials and equipment. Each cost record should include, at a minimum, a description of the expenditure with references to the applicable requirements of the Contract Documents, the amount actually paid, the date of payment, and whether the expenditure is part of the original Contract Price, related to an executed Change Order, or otherwise categorized by Contractor as extra work. Contractor's failure to comply with this provision as to any claimed cost operates as a waiver of any rights to recover the claimed cost.

(2) Contractor must continue to maintain its Project records in an organized manner for a period of four (4) years after City's

acceptance of the Project or following termination, whichever occurs first. Subject to prior notice to Contractor, City is entitled to inspect or audit any of Contractor's Project records relating to the Project or to investigate Contractor's plant or equipment during Contractor's normal business hours.

2.3 Subcontractors.

(A) **General.** All Work which is not performed by Contractor with its own forces must be performed by Subcontractors, subject to the 50% limitation set forth in the Instructions to Bidders. City reserves the right to approve or reject any and all Subcontractors proposed to perform the Work.

(B) **Contractual Obligations.** Contractor must require every Subcontractor to be bound to the provisions of the Contract Documents as they apply to the Subcontractor's portion(s) of the Work, and to likewise bind their subcontractors or suppliers. Nothing in these Contract Documents creates a contractual relationship between a Subcontractor and City, but City is deemed to be a third-party beneficiary of the contract between Contractor and each Subcontractor.

Copies of subcontracts must be available to the Engineer upon request. Before a Subcontractor commences Work on the Project, Contractor must provide the Engineer a written statement with the name of the Subcontractor, a description of each portion of the Work performed by the Subcontractor, and the percentage of the overall Work to be performed by the Subcontractor.

(C) **Termination.** If the Contract is terminated, each Subcontractor's agreement must be assigned by Contractor to City, subject to the prior rights of any surety, provided that City accepts the assignment by written notification, and assumes all rights and obligations of Contractor pursuant to each such subcontract agreement.

(D) **Substitution of Subcontractor.** If Contractor requests substitution of a listed Subcontractor under Public Contract Code Section 4107, Contractor is solely responsible for all costs City incurs in responding to the request, including legal fees and costs to conduct a hearing.

2.4 Coordination of Work.

(A) **Concurrent Work.** City reserves the right to perform or to have performed other work on or adjacent to the Project site while the Work is being performed. Contractor is responsible for coordinating its Work with other work being performed on or adjacent to the Project site, and must

avoid hindering, delaying, or interfering with the work of other contractors and subcontractors. To the full extent permitted by law, Contractor must hold harmless and indemnify City, Design Professional, and Project Manager against any and all claims arising from or related to Contractor's avoidable, negligent, or willful hindrance of, delay to, or interference with the work of another contractor or subcontractor.

(B) **Defects.** Before proceeding with any portion of the Work affected by the construction or operations of others, Contractor must give Project Manager prompt written notification of any defects Contractor discovers which will prevent the proper execution of the Work. Failure to give notice of any such known defects will be deemed acknowledgement by Contractor that the work of others is not defective and will not prevent the proper execution of the Work.

2.5 Submittals. Unless otherwise specified, Contractor must submit to Project Manager for review and approval, all schedules, Shop Drawings, samples, product data and similar submittals required by the Contract Documents, or upon request by Project Manager. Unless otherwise specified, all submittals, including Requests for Information ("RFIs") are subject to the provisions of this Section.

(A) **General.** Contractor is responsible for ensuring that its submittals are accurate and conform to the Contract Documents.

(B) **Time and Manner of Submission.** Contractor must ensure that its submittals are prepared and delivered in a manner consistent with the current approved schedule for the Work and within the applicable time specified elsewhere in the Contract Documents, or if no time is specified, in such time and sequence so as not to delay the performance of the Work or completion of the Project.

(C) **Required Contents.** Each submittal must include the Project name, Contractor's name and address, the name and address of any Subcontractor or supplier involved with the submittal, the date, and references to applicable Specification section(s) and/or drawing and detail number(s).

(D) **Required Corrections.** If corrections are required, Contractor must promptly make and submit any required corrections in full conformance with the requirements of this Section.

(E) **Effect of Review and Approval.** Review and approval of a submittal by City will not relieve Contractor from complying with the requirements of the Contract Documents. Contractor is responsible for

any errors in any submittal, and review or approval of a submittal by City is not an assumption of risk or liability by City.

(F) **Enforcement.** Any Work performed or material used without prior approval of a required submittal will be performed at Contractor's risk, and Contractor may be required to bear the costs incident thereto, including the cost of removing and replacing such Work, repairs to other affected portions of the Work, and the cost of additional time or services required of the Design Professional, Project Manager, or Inspector.

(G) **Excessive RFIs.** RFIs will be considered excessive or unnecessary if the Engineer determines that the explanation or response to the RFI is clearly and unambiguously discernable in the Contract Documents. City's costs to review and respond to excessive or unnecessary RFIs may be deducted from payments otherwise due to Contractor.

Article 3 Contract Documents

3.1 Interpretation of Contract Documents.

(A) **Drawings and Specifications.** The Drawings and Specifications included in the Contract Documents are complementary. If Work is shown on one but not on the other, Contractor must perform the Work as though fully described on both, consistent with the Contract Documents and reasonably inferable from them as being necessary to produce the indicated results. The Drawings and Specifications are deemed to include and require everything necessary and reasonably incidental to completion of the Work, whether or not particularly mentioned or shown. Contractor must perform all work and services and supply all things reasonably related to and inferable from the Contract Documents. In the event of a conflict between the Drawings and Specifications, the Specifications will control.

(B) **Duty to Notify.** If Contractor becomes aware of any ambiguity, discrepancy, omission, or error in the Drawings or Specifications, Contractor must immediately notify the Design Professional and request clarification of such, by submitting a written request for information (RFI) in the manner specified by City. The Design Professional's clarifications or interpretations will be final and binding.

(C) **Figures and Dimensions.** Figures control over scaled dimensions.

(D) **Technical or Trade Terms.** Any terms that have well-known technical or trade meanings will be interpreted in accordance with those

meanings, unless otherwise specifically defined in the Contract Documents.

(E) **Measurements.** Contractor must verify all relevant measurements at the Worksite before ordering any material or performing any Work, and will be responsible for the correctness of those measurements.

3.2 Order of Precedence. Information included in one Contract Document but not in another will not be considered a conflict or inconsistency. Unless otherwise specified in the Special Conditions, in case of any conflict or inconsistency among the Contract Documents, the following order of precedence will apply, beginning from highest to lowest:

- (A) Change Orders;
- (B) Addenda;
- (C) Contract;
- (D) Notice to Proceed;
- (E) Notice of Award;
- (F) Special Conditions;
- (G) General Conditions;
- (H) Payment and Performance Bonds;
- (I) Specifications;
- (J) Drawings;
- (K) Contractor's Bid Proposal and attachments;
- (L) Notice Inviting Informal Bids;
- (M) Instructions to Bidders; and
- (N) Any documents prepared by and on behalf of a third party, that were not prepared specifically for this Project, e.g., Caltrans Standard Specifications or Caltrans Special Provisions.

3.3 Caltrans Standard Specifications. Any reference to or incorporation of the Standard Specifications of the State of California, Department of Transportation ("Caltrans"), including "Standard Specifications," "Caltrans Specifications," "State Specifications," or "CSS," means the most current edition of Caltrans' Standard Specifications, unless otherwise specified ("Standard Specifications"), including the most current amendments as of the date that Contractor's bid was submitted for this Project. The following provisions apply to use of or reference to the Standard Specifications:

(A) **Limitations.** None of the "General Provisions" of the Standard Specifications, i.e., Sections 1 through 9, applies to these Contract Documents with the exception of any specific provisions, if any, which are expressly stated to apply to these Contract Documents.

(B) **Conflicts or Inconsistencies.** If there is a conflict or inconsistency between any provision in the Standard Specifications and a provision of

these Contract Documents, as determined by City, the provision in the Contract Documents will govern.

(C) **Meanings.** Terms used in the Standard Specifications are to be interpreted as follows:

- (1) Any reference to the "Engineer" is deemed to mean the City Engineer.
- (2) Any reference to the "Special Provisions" is deemed to mean the Special Conditions.
- (3) Any reference to the "Department" or "State" is deemed to mean City.

3.4 For Reference Only. Contractor is responsible for the careful review of any document, study, or report appended to the Contract Documents solely for informational purposes and identified as "For Reference Only." Nothing in any document, study, or report so appended and identified is intended to supplement, alter, or void any provision of the Contract Documents. However, Contractor is advised that City or its representatives may be guided by information or recommendations included in such reference documents, particularly when making determinations as to the acceptability of proposed materials, methods, or changes in the Work. Contractor must promptly notify City of any perceived or actual conflict between the Contract Documents and any document provided "For Reference Only."

Article 4 Bonds, Indemnity, and Insurance

4.1 Payment and Performance Bonds. Within ten (10) days following issuance of the notice of award, Contractor is required to provide a payment bond and a performance bond, each in the penal sum of not less than one hundred percent (100%) of the Contract Price, using the bond forms included with the Contract Documents. Each bond must be issued by a surety admitted in California. If an issuing surety cancels the bond or becomes insolvent, within seven (7) days following written notice from City, Contractor must substitute a surety acceptable to City. If Contractor fails to substitute an acceptable surety within the specified time, City may, at its sole discretion, withhold payment from Contractor until the surety is replaced to City's satisfaction, or terminate the Contract for default.

4.2 Indemnity. To the fullest extent permitted by law, Contractor must indemnify, defend, and hold harmless City, its agents and consultants, and Design Professional (individually, an "Indemnatee," and collectively the

“Indemnitees”) from and against any and all liability, loss, damage, claims, expenses (including, without limitation, attorney fees, expert witness fees, paralegal fees, and fees and costs of litigation or arbitration) (collectively, “Liability”) of every nature arising out of or in connection with the acts or omissions of Contractor, its employees, Subcontractors, representatives, or agents, in bidding or performing the Work or its failure to comply with any of its obligations under the Contract, except such Liability caused by the active negligence, sole negligence, or willful misconduct of an Indemnatee. This indemnity requirement applies to any Liability arising from alleged defects in the content or manner of submission of Contractor’s bid for the Contract. Contractor’s failure or refusal to timely accept a tender of defense pursuant to this provision will be deemed a material breach of this Contract. City will timely notify Contractor upon receipt of any third-party claim relating to the Contract, as required by Public Contract Code Section 9201.

- 4.3 Insurance.** No later than ten (10) days following issuance of the notice of award, Contractor is required to procure and provide proof of the insurance coverage required by this section in the form of certificates and endorsements. The required insurance must cover the activities of Contractor and its Subcontractors relating to or arising from the performance of the Work, and must remain in full force and effect at all times during the period covered by the Contract until the date of recordation of the notice of completion. 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. Any deductibles or self-insured retentions must be declared to and approved by City. 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 “VIII” or better. If Contractor fails to provide any of the required coverage in full compliance with the requirements of the Contract Documents, City may, at its sole discretion, purchase such coverage at Contractor’s expense and deduct the cost from payments due to Contractor, or terminate the Contract for default. Contractor further understands that City reserves the right to modify the insurance requirements set forth herein, with thirty (30) days’ notice provided to Contractor, 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 Contract unless otherwise specified in the Special Conditions:

- (1) **Commercial General Liability Insurance (“CGL”).** Contractor shall maintain CGL and shall include coverage for liability arising from Contractor’s or its Subcontractor’s acts or omissions in the performance of the Work against claims and liabilities for personal injury, death, or property damage providing protection in the minimum amount of: (i) two million dollars (\$2,000,000.00) combined single limit each occurrence and either a general aggregate limit of four million dollars (\$4,000,000.00) or a general aggregate limit of two million dollars (\$2,000,000.00) as applied on a “per project” or “per location” basis, or (ii) the maximum amount of such insurance available to Contractor under Contractor’s combined insurance policies (including any excess or “umbrella” policies), whichever is greater.
- a. CGL policy may not exclude explosion, collapse, underground excavation hazard, or removal of lateral support.
 - b. CGL policy must include contractor’s protected coverage, blanket contractual, and completed operations.
- (2) **Builder’s Risk Insurance:** The Builder’s Risk Insurance policy must be issued on occurrence basis, for all-risk coverage (including Flood and Earthquake) on a one hundred percent (100%) completed value basis on the insurable portion of the Project for the benefit of City.
- (3) **Workers’ Compensation Insurance and Employer’s Liability:** Contractor 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: (i) One Million Dollars (\$1,000,000.00) for any one accident or occurrence, or (ii) the maximum amount of such insurance available to Contractor under Contractor’s combined insurance policies (including any excess or “umbrella” policies), whichever is greater. If Contractor is self-insured, Contractor must provide its Certificate of Permission to Self-Insure, duly authorized by the Department of Industrial Relations.
- (4) **Automobile Liability:** Contractor shall maintain Automobile Liability covering all owned, non-owned and hired automobiles (if Contractor does not own automobiles, then Contractor 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: (i) One Million Dollars (\$1,000,000.00) combined single limit, or (ii) the maximum amount of such insurance available to Contractor under Contractor's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

- (5) **Pollution (Environmental) Liability:** If the performance of Contractor's work or service under this Contract involves hazardous materials, contaminated soil disposal, and/or a risk of accidental release of fuel oil, chemicals or other toxic gases or hazardous materials, Contractor shall procure and maintain Pollution Liability covering Contractor's liability for bodily injury, property damage and environmental damage resulting from pollution and related cleanup costs arising out of the work or services to be performed under this Agreement. Coverage shall be provided for both work performed on site, as well as during the transport of hazardous materials. Such coverage shall be in the minimum amount of: (i) One Million Dollars (\$1,000,000.00) for any one accident or occurrence, or (ii) the maximum amount of such insurance available to Contractor under Contractor's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

(6) **Professional Liability:**

- a. If the performance of Contractor's work or service under this Contract involves professional and/or technical services (examples include, but are not limited to, architects, engineers, land surveyors, legal services, and appraisers), Contractor shall procure and maintain either a claims made or occurrence Errors and Omission liability insurance in the minimum amount of: (i) One Million Dollars (\$1,000,000.00) each claim, or (ii) the maximum amount of such insurance available to Contractor under Contractor's combined insurance policies (including any excess or "umbrella" policies), whichever is greater. Further, if Contractor maintains a claims-made policy, Contractor shall provide written evidence of such insurance to City for at least five (5) years after the completion of work performed under this Contract.
- b. If the performance of Contractor's work or service under this Contract relates to Information Technology or related services (examples include, but are not limited to computer programmers, hardware engineers, or other systems

consultants), Contractor shall procure and maintain a claims made Errors and Omission liability insurance, including Cyber Liability and Data Breach, in the minimum amount of: (i) One Million Dollars (\$1,000,000.00) each claim, or (ii) the maximum amount of such insurance available to Contractor under Contractor's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

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

- (1) For all Policies except Builder's Risk and Professional Liability:
 - 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, Automobile, and Pollution 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;
- (3) General Liability:
 - a. "Separation of Insureds" endorsements stating that the inclusion of more than one insured will not operate to impair the rights of one insured against another, and the coverages afforded will apply as though separate policies have been issued to each insured.

(C) **Subcontractors.** Contractor must ensure that each Subcontractor is required to maintain the same insurance coverage required under this Section 4.3, with respect to its performance of Work on the Project, including those requirements related to the additional insureds and waiver of subrogation.

(D) **Certificates.** Contractor must furnish City with copies of all certificates as outlined herein, whether new or modified, promptly upon receipt. In the event of a claim or legal action, CONSULTANT shall promptly furnish CITY of Morgan Hill with copies of all policies outlined herein. No policy subject to Contractor's Contract 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

- 4.4 Warranty Bond.** As a condition precedent to Final Completion, Contractor must submit a warranty bond, using the form provided by City, to guarantee its Work as specified in Article 11, Completion and Warranty Procedures. The warranty bond must be issued by a surety admitted in California for fifty percent (50%) of the final Contract Price or as otherwise specified in the Contract Documents. If an issuing surety cancels the bond or becomes insolvent, within seven (7) days following written notice from City, Contractor must substitute a surety acceptable to City.

Article 5 Contract Time

- 5.1 Time is of the Essence.** Time is of the essence in Contractor's performance and completion of the Work, and Contractor must diligently prosecute the Work and complete it within the Contract Time.

(A) **General.** Contractor must commence the Work on the date indicated in the notice to proceed, and must fully complete the Work, in strict compliance with all requirements of the Contract Documents, and within the Contract Time.

(B) **Rate of Progress.** Contractor and its Subcontractors must, at all times, provide workers, materials, and equipment sufficient to maintain the rate of progress necessary to ensure full completion of the Work within the Contract Time. If City determines that Contractor is failing to prosecute the Work at a sufficient rate of progress, City may, in its sole discretion, direct Contractor to provide additional workers, materials, or equipment, or to work additional hours or days without additional cost to City, in order to achieve a rate of progress satisfactory to City. If Contractor fails to comply

with City's directive in this regard, City may, at Contractor's expense, separately contract for additional workers, materials, or equipment or use City's own forces to achieve the necessary rate of progress. Alternatively, City may terminate the Contract based on Contractor's default.

5.2 Schedule Requirements. All schedules must be prepared using standard scheduling software acceptable to City, and must provide schedules in electronic and paper form as requested.

(A) ***As-Planned (Baseline) Schedule.*** Within fifteen (15) calendar days following issuance of the notice of award (or as otherwise specified in the Special Conditions), Contractor must submit to City for review and approval an as-planned (baseline) schedule showing in detail how Contractor plans to perform and fully complete the Work within the Contract Time using critical path methodology. The as-planned schedule must include the work of all trades required for the Work, and must be sufficiently comprehensive and detailed to enable progress to be monitored on a day-by-day basis. For each activity, the as-planned schedule must be dated, provided in the format specified in the Contract Documents or as required by City, and must include, at a minimum, a description of the activity, the start and completion dates, and the duration.

(B) ***Progress Schedules.*** Contractor must submit an updated progress schedule and three (3) week look-ahead schedule, in the format specified by City, for review and approval with each application for a progress payment. The progress schedule must show how the actual progress of the Work to date compared to the as-planned schedule, and must identify any actual or potential impacts to the critical path.

(C) ***Recovery Schedule.*** If City determines that the Work is more than one (1) week behind schedule, within seven (7) days following written notice of such determination, Contractor must submit a recovery schedule, showing how Contractor intends to perform and complete the Work within the Contract Time, based on actual progress to date.

(D) ***Effect of Approval.*** Contractor and its Subcontractors must perform the Work in accordance with the most current approved schedule unless otherwise directed by City. City approval of a schedule does not operate to extend the time for completion of the Work or any component of the Work, and will not affect City's right to assess liquidated damages for Contractor's unexcused delay in completing the Work within the Contract Time.

(E) ***Posting.*** Contractor must at all times maintain a copy of the most current approved progress or recovery schedule posted prominently in its on-site office.

(F) **Reservation of Rights.** City reserves the right to direct the sequence in which the Work must be performed or to make changes in the sequence of the Work in order to facilitate the performance of work by City or others, or to facilitate City's use of its property. The Contract Time or Contract Price may be adjusted to the extent such changes in sequence actually increase or decrease Contractor's time or cost to perform the Work.

(G) **Authorized Working Days and Times.** Contractor is limited to working Monday through Friday, excluding City of Morgan Hill-observed holidays, during City's normal business hours, except as expressly provided in the Special Conditions, or as authorized in writing by City. City reserves the right to charge Contractor for additional costs incurred by City due to Work performed on days or during hours not expressly authorized in these Contract Documents, including reimbursement of costs incurred for inspection, testing, and construction management services.

5.3 Delay and Extensions of Contract Time.

(A) **Excusable Delay.** The Contract Time may be extended if Contractor encounters an unavoidable delay in completing the Work within the Contract Time due to causes completely beyond Contractor's control, and which Contractor could not have avoided or mitigated through planning, foresight, and diligence ("Excusable Delay"). Grounds for Excusable Delay may include fire, earthquake, acts of terror or vandalism, epidemic, unforeseeable adverse government actions, unforeseeable actions of third parties, encountering unforeseeable hazardous materials, unforeseeable site conditions, suspension for convenience under Article 13, or unusually severe weather.

(B) **Non-Excusable Delay.** Excusable Delay does not include delay that is concurrent with non-Excusable Delay, and does not include delay caused by:

- (1) weather conditions which are normal for the location of the Project, as determined by reliable records, including monthly rainfall averages, for the preceding ten (10) years;
- (2) Contractor's failure to order equipment and materials sufficiently in advance of the time needed for timely completion of the Work;
- (3) Contractor's failure to provide adequate notification to utility companies for connections or services necessary for the timely performance and completion of the Work;

(4) foreseeable conditions Contractor could have ascertained from reasonably diligent inspection of the Worksite or review of the Contract Documents; or

(5) Contractor's financial inability to perform the Work, including insufficient funds to pay its Subcontractors or suppliers.

(C) ***Request for Extension of Contract Time.*** A request for an extension of time and associated delay costs must be submitted in writing to City within ten (10) calendar days of the date the delay is first encountered, even if the duration of the delay is not yet known at that time, or will be deemed waived. In addition to complying with the requirements of this Article 5, the request must be submitted in compliance with the Change Order request procedures in Article 6, below. Strict compliance with these requirements is necessary to ensure that any delay or delay costs may be mitigated as soon as possible, and to facilitate cost-efficient administration of the Project and timely performance of the Work. Any request for an extension of time or delay costs that does not strictly comply with the requirements of Article 5 and Article 6 will be deemed waived.

(1) ***Required Contents.*** The request must include a detailed description of the cause(s) of the delay, and must also describe the measures that Contractor has taken to mitigate the delay and/or its effects, including efforts to mitigate the cost impact of the delay, e.g., by workforce management, change in sequencing, etc. If the delay is still ongoing at the time the request is submitted, the request should also include Contractor's plan for continued mitigation of the delay or its effects.

(2) ***Delay Days and Costs.*** The request must specify the number of days of Excusable Delay claimed, or provide a realistic estimate if the duration of the delay is not yet known. The request must specify the amount of any delay-related costs that are claimed, or provide a realistic estimate if the amount is not yet known. Any estimate of delay duration or cost must be updated in writing and submitted with all required supporting documentation as soon as the actual time and cost is known.

(3) ***Supporting Documentation.*** The request must also include any and all supporting documentation necessary to evidence the delay and its actual impacts, including schedule and cost impacts, including a time impact analysis using critical path methodology, and demonstrating unavoidable delay to Final Completion. The time

impact analysis must be submitted in a form or format acceptable to City.

(4) *Burden of Proof.* Contractor has the burden of proving 1) that the delay was an Excusable Delay, as defined above, 2) that Contractor has made reasonable efforts to mitigate the delay and its schedule and cost impacts, 3) that the delay will unavoidably result in delaying Final Completion, and 4) that any delay costs claimed by Contractor were actually incurred and were reasonable under the circumstances.

(5) *Recoverable Costs.* If Contractor is granted an extension of time for Excusable Delay, recompense for delay costs will be limited to actual, direct, reasonable, and substantiated costs, and will not include home office overhead, or markup for overhead and profit.

(6) *Legal Compliance.* Nothing in this provision is intended to require the waiver, alteration, or limitation of the applicability of Public Contract Code Section 7102.

(7) *No Waiver.* Any grant of an extension of time or delay costs due to an Excusable Delay will not operate as a waiver of City's right to assess liquidated damages for unexcused delay.

(8) *Dispute Resolution.* In the event of a dispute over entitlement to an extension of time or delay costs, Contractor may not stop working pending resolution of the dispute, but must continue to comply with its duty to diligently prosecute the performance and timely completion of the Work. Contractor's sole recourse for an unresolved dispute based on City's rejection of a Change Order request for an extension of time or delay costs is to comply with the Dispute Resolution provisions set forth in Article 12, below.

5.4 Liquidated Damages. It is expressly understood that if Final Completion is not achieved within the Contract Time, City will suffer damages which are difficult to determine and accurately specify. Pursuant to Public Contract Code section 7203, if Contractor fails to achieve Final Completion within the Contract Time, City may charge Contractor in the amount specified in the Contract for each day that Final Completion is delayed beyond the Contract Time, as liquidated damages and not as a penalty.

(A) **Liquidated Damages.** Liquidated damages will not be assessed for any Excusable Delay, as set forth above.

(B) **Milestones.** Liquidated damages will also be separately assessed for failure to meet milestones specified elsewhere in the Contract Documents.

(C) **Setoff.** City is entitled to set off the amount of liquidated damages assessed against any payments otherwise due to Contractor, including setoff against release of retention. If there are insufficient Contract funds remaining to cover the full amount of liquidated damages assessed, City is entitled to recover the balance from Contractor or its performance bond surety.

(D) **Occupancy or Use.** Occupancy or use of the Project in whole or in part prior to Final Completion does not constitute City's acceptance of the Project and will not operate as a waiver of City's right to assess liquidated damages for Contractor's unexcused delay in achieving Final Completion.

Article 6 Contract Modification

6.1 Changes in Work. City reserves the right to make changes in the Work without invalidating the Contract. City may direct or Contractor may request changes in the Work, and any such changes will be formalized in a Change Order, which may include commensurate changes in the Contract Price or Contract Time as applicable. Contractor must promptly comply with City-directed changes in the Work in accordance with the intent of the original Contract Documents, even if Contractor and City have not yet reached agreement as to adjustments to the Contract Price or Contract Time.

(A) **City-Directed Change.** In the event of a dispute over entitlement to or the amount of a change in Contract Time or a change in Contract Price related to a City-directed change, Contractor must perform the Work as directed and may not delay its work or cease work pending resolution of the dispute, but must continue to comply with its duty to diligently prosecute the performance and timely completion of the Work, including the Work in dispute.

(B) **Contractor's Obligations.** In the event that City and Contractor dispute whether a portion or portions of the Work are already required by the Contract Documents as opposed to changed or extra Work, Contractor must perform the Work as directed and may not delay its Work or cease Work pending resolution of the dispute, but must continue to comply with its duty to diligently prosecute the performance and timely completion of the Work, including the Work in dispute.

(C) **Remedy for Non-Compliance.** Contractor's failure to promptly comply with an City-directed change is deemed a material breach of the Contract, and in addition to all other remedies available to it, City may, at its sole discretion, hire another contractor or use its own forces to complete the disputed Work at Contractor's sole expense, and may deduct the cost from the Contract Price.

(D) **Dispute Resolution.** Contractor's sole recourse for an unresolved dispute related to changes in the Work is to comply with the dispute resolution provisions set forth in Article 12, below.

6.2 Contractor Change Order Requests. Contractor must submit a request or proposal for a change in the Work or a change in the Contract Price or Contract Time as a written Change Order request or proposal.

(A) **Time for Submission.** Any request for a change in the Contract Price must be submitted in writing to Project Manager within ten (10) calendar days of the date that Contractor first encounters the circumstances, information or conditions giving rise to the Change Order request, even if the total amount of the requested change in the Contract Price or impact on the Contract Time is not yet known at that time.

(B) **Required Contents.** Any Change Order request or proposal submitted by Contractor must include a complete breakdown of actual or estimated costs and credits, and must itemize labor, materials, equipment, taxes, insurance, and subcontract amounts. Any estimated cost must be updated in writing as soon as the actual amount is known.

(C) **Required Documentation.** All claimed costs must be fully documented, and any related request for an extension of time or delay-related costs must be included at that time and in compliance with the requirements of Article 5 of the General Conditions.

(D) **Required Form.** Contractor must use City's form(s) for submitting all Change Order requests or proposals, unless otherwise specified by City.

(E) **Certification.** All Change Order requests must be signed by Contractor and must include the following certification:

"The undersigned Contractor certifies under penalty of perjury that its statements and representations in this Change Order request are true and correct. Contractor warrants that this Change Order request is comprehensive and complete, and agrees that any costs, expenses, or time extension request not included herein is deemed waived. Contractor understands that submission of

claims which have no basis in fact or which Contractor knows to be false may violate the False Claims Act, as set forth in Government Code Sections 12650 et seq.”

6.3 Adjustments to Contract Price. The amount of any increase or decrease to the Contract Price will be determined based on one (1) of the following methods in the order provided:

(A) **Unit Pricing.** Amounts previously provided by Contractor in the form of unit prices, either in a bid schedule or schedule of values, will apply if unit pricing has previously been provided in Contractor’s accepted bid schedule or schedule of values for the affected Work;

(B) **Lump Sum.** A mutually agreed upon lump sum;

(C) **Time and Materials.** On a time and materials basis, which may include a not-to-exceed limit, calculated as the total of the following sums:

- (1) All direct labor costs plus fifteen percent (15%) for overhead and profit;
- (2) All direct material costs, including sales tax, plus fifteen percent (15%) for overhead and profit;
- (3) All direct plant and equipment rental costs, plus fifteen percent (15%) for overhead and profit;
- (4) All direct subcontract costs plus ten percent (10%) for overhead and profit; and
- (5) Increased bond or insurance premium costs computed at one and one half percent (1½%) of total of the previous four (4) sums.

6.4 Unilateral Change Order. If City disagrees with the amount of compensation or extension of time that Contractor has requested, City may elect to issue a unilateral Change Order, directing performance of the Work, and authorizing a change in the Contract Price or Contract Time in the amount City believes is merited. Contractor’s sole recourse to dispute the terms of a unilateral Change Order is to submit a timely Claim pursuant to Article 12, below.

6.5 Non-Compliance Deemed Waiver. Contractor waives its entitlement to any increase in the Contract Price or Contract Time if Contractor fails to full comply with the provisions of this Article. Contractor will not be paid for unauthorized extra work.

Article 7 General Construction Provisions

7.1 Permits and Taxes.

(A) **General.** Contractor must obtain and pay for any and all permits, fees, or licenses required to perform the Work, unless otherwise indicated in the Contract Documents. Contractor must cooperate with and provide notifications to government agencies with jurisdiction over the Project, as may be required. Contractor must provide City with copies of all notices, permits, licenses, and renewals required for the Work.

(B) **Federal Excise Tax.** Contractor must pay for all taxes on labor, material and equipment, except Federal Excise Tax to the extent that City is exempt from Federal Excise Tax.

7.2 Temporary Facilities. Contractor must provide, at Contractor's sole expense, any and all temporary facilities, including onsite office, sanitary facilities, storage, scaffolds, barricades, walkways, and any other temporary structure required to safely perform the Work along with any utility services incidental thereto.

(A) **Standards.** Such structures must be safe and adequate for the intended use, and installed and maintained in accordance with all applicable federal, state, and local laws, codes, and regulations.

(B) **Removal and Repair.** Contractor must promptly remove all such temporary facilities when they are no longer needed or upon completion of the Work, whichever comes first. Contractor must promptly repair any damage to City's property caused by the installation, use, or removal of the temporary facilities, and must promptly restore the property to its original or intended condition.

(C) **Additional Requirements.** Additional provisions pertaining to temporary facilities may be included in the Specifications or Special Conditions.

7.3 Signs. No signs may be displayed on or about City's property, except signage which is required by law or by the Contract Documents, without City's prior written approval as to content, size, design, and location.

7.4 Protection of Work and Property.

(A) **General.** Contractor is responsible at all times for protecting the Work and materials and equipment to be incorporated into the Work from damage until the Notice of Completion has been recorded. Except as

specifically authorized by City, Contractor must confine its operations to the area of the Project site indicated in the Drawings. Contractor is liable for any damage caused to City's real or personal property, the real or personal property of adjacent property owners, or the work or personal property of other contractors working for City.

(B) **Unforeseen Conditions.** If Contractor encounters facilities, utilities, or other unknown conditions not shown on or reasonably inferable from the Drawings or apparent from inspection of the Project site, Contractor must promptly notify Project Manager, and must avoid taking any action which could cause damage to the facilities or utilities pending further direction from Project Manager. If Project Manager's subsequent direction to Contractor affects Contractor's cost or time to perform the Work, Contractor may submit a Change Order request as set forth in Article 6, above.

(C) **Support; Adjacent Properties.** Contractor must provide, install, and maintain all shoring, bracing, underpinning, etc., necessary to provide support to City's property and adjacent properties and improvements thereon. Contractor must provide notifications to adjacent property owners as may be required by law.

7.5 Noninterference. Contractor must take reasonable measures to avoid interfering with City's use of its property at or adjacent to the Project site, including use of roadways, entrances, parking areas, walkways, and structures.

7.6 Materials and Equipment.

(A) **General.** Unless otherwise specified, all materials and equipment required for the Work must be new and of the best grade for the intended purpose, and furnished in sufficient quantities to ensure the proper and expeditious performance of the Work. Unless otherwise specified, all materials and equipment required for the Work are deemed to include all components required for complete installation and intended operation, and must be installed in accordance with the manufacturer's recommendation. Contractor is responsible for all shipping, handling, and storage costs associated with the materials and equipment required for the Work, and is responsible for protecting the Work and all of the required materials, supplies, tools and equipment at Contractor's sole cost until City accepts the Project.

(B) **City-Provided.** If the Work includes installation of materials or equipment to be provided by City, Contractor is solely responsible for the proper examination, handling, storage, and installation of such items in accordance with the Contract Documents. Contractor must promptly

notify City of any defects discovered in City-provided materials or equipment. Contractor is solely responsible for any loss of or damage to such items which occurs while the items are in Contractor's custody and control, the cost of which may be offset from the Contract Price and deducted from any payment(s) due to Contractor.

(C) **Intellectual Property Rights.** Contractor must, at its sole expense, obtain any authorization required for use of patented or copyright protected materials, equipment, devices or processes that are incorporated into the Work. Contractor's indemnity obligation in Article 4, applies to any claimed violation of intellectual property rights in violation of this provision.

7.7 Substitutions.

(A) **"Or Equal."** Any specification designating a material, product, thing, or service by specific brand or trade name, followed by the words "or equal," is intended only to indicate quality and type of item desired, and Contractor may request use of any equal material, product, thing, or service.

(B) **Request for Substitution.** A request for substitution must be submitted to Project Manager for approval within the applicable time period provided in the Contract Documents. If no time period is specified, the substitution request may be submitted any time within thirty five (35) days after the date of award of the Contract, or sufficiently in advance of the time needed to avoid delay of the Work, whichever is earlier.

(C) **Substantiation.** All data substantiating the proposed substitute as an "equal" item must be submitted with the written request for substitution. Contractor's failure to timely provide necessary substantiation is ground for rejection of the proposed substitution, without further review.

(D) **Burden of Proving Equality.** Contractor has the burden of proving the equality of the proposed substitution. City has sole discretion to determine whether a proposed substitution is "equal," and City's determination is final.

(E) **Approval or Rejection.** If the proposed substitution is approved, Contractor is solely responsible for any additional costs associated with the substituted item(s). If the proposed substitution is rejected, Contractor must, without delay, install the item specified.

(F) **Contractor's Obligations.** City's review of a proposed substitution will not relieve Contractor from any of its obligations under the Contract Documents. In the event Contractor makes an unauthorized substitution,

Contractor will be solely responsible for all resulting cost impacts, including the cost of removal and replacement and the impact to other design elements.

7.8 Testing and Inspection.

(A) **General.** All materials, equipment, and workmanship used in the Work are subject to inspection by Inspector at all times and locations during construction and/or fabrication. All manufacturers' application or installation instructions must be provided to the Inspector at least ten (10) days prior to the first such application or installation. Contractor must, at all times, make the Work available for inspection.

(B) **Scheduling and Notification.** Contractor must schedule all tests required by the Contract Documents in time to avoid any delay to the progress of the Work. Contractor must provide timely notice to all necessary parties as specified in the Contract Documents.

(C) **Responsibility for Costs.** City will bear the initial cost of testing to be performed by independent testing consultants retained by City, subject to the following exceptions:

(1) Contractor will be responsible for the costs of any subsequent tests which are required to substantiate compliance with the Contract Documents, and any associated remediation costs.

(2) Contractor will be responsible for inspection costs, at City's established rates, for inspection time lost because the Work is not ready or Contractor fails to appear for a scheduled inspection.

(3) In addition, if any portion of the Work which is subject to testing is covered or concealed by Contractor prior to testing, Contractor will bear the cost of making that portion of the Work available for the testing required by the Contract Documents, and any associated repair or remediation costs.

(D) **Contractor's Obligations.** Any Work that fails to comply with the requirements of the Contract Documents must be promptly repaired, replaced, or corrected by Contractor, at Contractor's sole expense, even if that Work was previously inspected or included in a progress payment. Contractor is solely responsible for any delay occasioned by remediation of noncompliant Work. Inspection of the Work does not in any way relieve Contractor of its obligations to perform the Work as specified.

(E) **Distant Locations.** If required off-site testing or inspection must be conducted at a location more than 100 miles from the Project site,

Contractor is solely responsible for the additional travel costs required for testing and/or inspection at such locations.

(F) **Final Inspection.** The provisions of this Section 7.8 apply to final inspection under Article 11, Completion and Warranty Provisions.

7.9 Clean up. Contractor must regularly remove debris and waste materials and maintain the Worksite in clean and neat condition.

(A) **General.** Prior to discontinuing work in an area, Contractor must clean the area and remove all rubbish along with its construction equipment, tools, machinery, waste and surplus materials. Contractor must, at all times, minimize and confine dust and debris resulting from construction activities.

(B) **Completion.** At the completion of the Work, Contractor must remove from the Worksite all of its equipment, tools, surplus materials, waste materials and debris. Before demobilizing from the Worksite, Contractor must ensure that all surfaces are cleaned, sealed, waxed, or finished as applicable, and that all marks, stains, paint splatters, and the like have been properly removed from the completed Work and the surrounding areas.

(C) **Non-Compliance.** If Contractor fails to commence compliance with its cleanup obligations within two (2) business days following written notification from City or its representative, City may undertake appropriate cleanup measures without further notice and the cost will be deducted from any amounts due or to become due Contractor.

7.10 Instructions and Manuals. Contractor must provide three (3) copies each of all instructions and manuals required by the Contract Documents, unless otherwise specified. These must be complete as to drawings, details, parts lists, performance data, and other information that may be required for City to easily maintain and service the materials and equipment installed for this Project.

(A) **Submittal Requirements.** All manufacturers' application or installation instructions must be provided to the Inspector at least ten (10) days prior to the first such application. The instructions and manuals, along with any required guarantees, must be delivered to City for review.

(B) **Instruction of Personnel.** Contractor or its Subcontractors must instruct City's personnel in the operation and maintenance of any complex equipment as a condition precedent to Final Completion, if required in the Contract Documents.

7.11 As-built Drawings. Contractor and its Subcontractors must maintain on the Worksite a separate complete set of the Drawings which will be used solely for the purpose of recording changes made in any portion of the Work in order to create accurate record drawings at the end of the Project.

(A) ***Duty to Update.*** The as-built drawings must be updated as changes occur, on a daily basis if necessary. Progress payments may be delayed, in whole or in part, until the as-built drawings are brought up to date to the satisfaction of City. Actual locations to scale must be identified on the as-built drawings for all runs of mechanical and electrical work, including all site utilities, etc., installed underground, in walls, floors, or otherwise concealed. Deviations from the original Drawings must be shown in detail. The location of all main runs, whether piping, conduit, ductwork, drain lines, etc., must be shown by dimension and elevation.

(B) ***Final Completion.*** Contractor must verify that all changes in the Work are depicted in the as-built drawings and must deliver the complete set of as-built drawings to City for review and approval as a condition precedent to Final Completion.

7.12 Existing Utilities. As required by Government Code Section 4215, if, during the performance of the Work, Contractor discovers utility facilities not identified by City in the Contract Documents, Contractor must immediately provide written notice to City and the utility. City assumes responsibility for the timely removal, relocation, or protection of existing main or trunkline utility facilities located on the Project site, if those utilities are not identified in the Contract Documents. Contractor will be compensated in accordance with the provisions of the Contract Documents for the costs of locating, repairing damage not due to Contractor's failure to exercise reasonable care, and removing or relocating such utility facilities not indicated in the Drawings or Specifications with reasonable accuracy, and for equipment on the Project necessarily idled during such work. Contractor will not be assessed liquidated damages for delay in completion of the Work, to the extent such delay was caused by City's failure to provide for removal or relocation of the utility facilities.

7.13 Notice of Excavation. Government Code Section 4216.2, requires that except in an emergency, Contractor must contact the appropriate regional notification center, or Underground Services Alert at 800-642-2444 (for Northern California), at least two (2) working days, but not more than fourteen (14) calendar days before starting any excavation if the excavation will be conducted in an area that is known, or reasonably should be known, to contain subsurface installations, and if practical, Contractor must delineate with white paint or other suitable markings the area to be excavated.

7.14 Trenching and Excavations.

(A) **Duty to Notify.** Contractor must promptly, and before the following conditions are disturbed, provide written notice to City if Contractor finds any of the following conditions:

- (1) Material that Contractor believes may be a hazardous waste, as defined in Section 25117 of the Health and Safety Code, that is required to be removed to a Class I, Class II, or Class III disposal site in accordance with the provisions of existing law;
- (2) Subsurface or latent physical conditions at the Worksite differing from those indicated by information about the Worksite made available to bidders prior to the deadline for submitting bids; or
- (3) Unknown physical conditions at the Worksite of any unusual nature, materially different from those ordinarily encountered and generally recognized as inherent in work of the character required by the Contract Documents.

(B) **City Investigation.** City will promptly investigate the conditions and if City finds that the conditions do materially differ or do involve hazardous waste, and cause a decrease or increase in Contractor's cost of, or the time required for, performance of any part of the Work, City will issue a Change Order.

(C) **Disputes.** In the event that a dispute arises between City and Contractor regarding any of the conditions specified in subsection (A) above, Contractor will not be excused from any scheduled completion date provided for in the Contract Documents, but must proceed with all Work to be performed under the Contract. Contractor will retain any and all rights provided either by the Contract or by law which pertain to the resolution of disputes between Contractor and City.

7.15 Trenching of Five Feet or More. As required by Labor Code Section 6705, if the Contract Price exceeds Twenty Five Thousand Dollars (\$25,000.00) and the Work includes the excavation of any trench or trenches of five (5) feet or more in depth, a detailed plan must be submitted to City or its civil or structural engineer, for acceptance in advance of the excavation. The detailed plan must show the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation. If the plan varies from the shoring system standards, it must be prepared by a registered civil or structural engineer. Use of a shoring, sloping, or

protective system less effective than that required by the Construction Safety Orders is prohibited.

7.16 New Utility Connections. City will pay connection charges and meter costs for new permanent utilities required by the Contract Documents, if any. Contractor must notify City sufficiently in advance of the time needed to request service from each utility provider so that connections and services are initiated in accordance with the Project schedule.

7.17 Lines and Grades. Contractor is required to use any benchmark provided by the Engineer. Unless otherwise specified in the Contract Documents, Contractor must provide all lines and grades required to execute the Work.

7.18 Historic or Archeological Items.

(A) **Contractor's Obligations.** Contractor must ensure that all persons performing Work at the Project site are required to immediately notify Project Manager, upon discovery of any potential historic or archeological items, including historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints or other archeological, paleontological or historical feature on the Project site (collectively, "Historic or Archeological Items").

(B) **Discovery; Cessation of Work.** Upon discovery of any potential Historic or Archeological Items, Work must be stopped within an eighty five (85) foot radius of the find and may not resume until authorized in writing by City. If required by City, Contractor must assist in protecting or recovering the Historic or Archeological Items, any such assistance to be compensated as extra work on a time and materials basis under Article 6, Contract Modification. Any suspension of Work required due to discovery of Historic or Archeological Items will be treated as a suspension for convenience under Article 13.

7.19 Environmental Control. Contractor must not pollute any drainage course or its tributary inlets with fuels, oils, bitumens, acids, insecticides, herbicides or other harmful materials. Contractor and its Subcontractors must at all times in the performance of the Work comply with all applicable federal, state, and local laws and regulations concerning pollution of waterways.

(A) **Stormwater Permit.** Contractor must comply with all applicable conditions of the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activity ("Stormwater Permit").

(B) **Contractor's Obligations.** If required for the Work, a copy of the Stormwater Permit is on file in City's principal administrative offices, and Contractor must comply with the same without adjustment of the Contract Price or the Contract Time. Contractor must timely and completely submit required reports and monitoring information required by the conditions of the Stormwater Permit, Contractor must comply with all other applicable state, municipal or regional laws, ordinances, rules or regulations governing discharge of stormwater, including applicable municipal stormwater management programs.

Article 8 Payment

8.1 Schedule of Values. Prior to submitting its first application for payment, Contractor must prepare and submit to Project Manager a schedule of values apportioned to the various divisions and phases of the Work. Each line item contained in the schedule of values must be assigned a value such that the total of all items equals the Contract Price. The items must be sufficiently detailed to enable accurate evaluation of the percentage of completion claimed in each application for payment, and the assigned value consistent with any itemized or unit pricing submitted with Contractor's bid.

8.2 Progress Payments. Following the last day of each month, or as otherwise required by the Special Conditions or Specifications, Contractor will submit to Project Manager a monthly application for payment for Work performed during the preceding month based on the estimated value of the Work performed during that preceding month.

(A) **Application for Payment.** Each application for payment must be itemized to include labor, materials, and equipment incorporated into the Work, and materials and equipment delivered to the Worksite, as well as authorized and approved Change Orders. Each pay application must be supported by Contractor's schedule of values and any other substantiating data required by the Contract Documents.

Each application for payment shall be accompanied by completed "Contract Balance Form," a copy of which is provided at the end of Article 8.

(B) **Payment of Undisputed Amounts.** City will pay the undisputed amount due, as certified the Design Professional, within thirty (30) days after Contractor has submitted a complete and accurate payment application, subject to Public Contract Code Section 20104.50. City will deduct a percentage from each progress payment as retention, as set forth in Section 8.5, below, and may deduct additional amounts as set forth in Section 8.3, below.

8.3 Adjustment of Payment Application. City may adjust or reject a payment application, including application for Final Payment, in whole or in part, based upon any of the circumstances listed below. Contractor will be notified in writing of the basis for the adjustment, and will be promptly paid once the basis for that adjustment has been remedied and no longer exists.

- (A) Contractor's unexcused failure to perform the Work as required by the Contract Documents, including correction or completion of punch list items;
- (B) Loss or damage caused by Contractor or its Subcontractor(s) arising out of or relating to performance of the Work;
- (C) Contractor's failure to pay its Subcontractors and suppliers when payment is due;
- (D) Failure to timely correct rejected, nonconforming, or defective Work;
- (E) Unexcused delay in performance of the Work;
- (F) Any unreleased stop notice, retained as one hundred twenty five percent (125%) of the amount claimed;
- (G) Failure to submit any required schedule or schedule update in the manner and within the time specified in the Contract Documents;
- (H) Failure to maintain or submit as-built documents in the manner and within the time specified in the Contract Documents;
- (I) Work performed without approved Shop Drawings, when approved Shop Drawings are required before proceeding with the Work;
- (J) Contractor's payroll records are delinquent or inadequate; and
- (K) Any other costs or charges that may be offset against payments due, as provided in the Contract Documents, including liquidated damages.

8.4 Acceptance of Work. Neither City's payment of progress payments nor its partial or full use or occupancy of the Project constitutes acceptance of any part of the Work.

- 8.5 Retention.** City will retain five percent (5%) of the amount due on each progress payment, or the percentage stated in the Notice Inviting Informal Bids, whichever is greater, as retention to ensure full and satisfactory performance of the Work.

(A) ***Substitution of Securities.*** As provided by Public Contract Code Section 22300, Contractor may request in writing that it be allowed, at its sole expense, to substitute securities for the retention withheld by City. Any escrow agreement entered into pursuant to this provision must fully comply with Public Contract Code Section 22300, and will be subject to approval as to form by City's legal counsel.

(B) ***Release of Undisputed Retention.*** All undisputed retention, less any amounts that may be assessed as liquidated damages, retained for stop notices, or otherwise withheld under Section 8.3 or 8.6 will be released as Final Payment to Contractor no sooner than thirty five (35) days following recordation of the notice of completion, and no later than sixty (60) days following acceptance of the Project by City's governing body or authorized designee, or, if the Project has not been accepted, no later than sixty (60) days after the Project is otherwise considered complete under Public Contract Code Section 7107(c).

- 8.6 Setoff.** City is entitled to set off any amounts due from Contractor against any payments due to Contractor. City's entitlement to setoff includes progress payments as well as Final Payment and release of retention.

- 8.7 Payment to Subcontractors and Suppliers.** Each month, Contractor must promptly pay each Subcontractor and supplier the value of the portion of labor, materials, and equipment incorporated into the Work or delivered to the Worksite by the Subcontractor or supplier during the preceding month. Such payments must be made in accordance with the requirements of the law, and those of the Contract Documents and applicable subcontract or supplier contract.

(A) ***Withholding for Stop Notice.*** City will withhold one hundred twenty five percent (125%) of the amount claimed by an unreleased stop notice, a portion of which may be retained by City for the costs incurred in handling the stop notice claim, including attorneys' fees and costs, as authorized by law.

(B) ***Joint Checks.*** City reserves the right to issue joint checks made payable to Contractor and its Subcontractors or suppliers. As a condition to release of payment by a joint check, the joint check payees may be required to execute a joint check agreement in a form provided or approved by City. The joint check payees will be jointly and severally responsible for the allocation and disbursement of funds paid by joint

check. Payment by joint check will not be construed to create a contractual relationship between City and a Subcontractor or supplier of any tier beyond the scope of the joint check agreement.

- 8.8 Final Payment.** Final Completion, acceptance of the Work by City, and recordation of the Notice of Completion, and any release required by the Contract Documents are conditions precedent to Final Payment and release of undisputed retention, as set forth above. Contractor's application for Final Payment must comply with the requirements for submitting an application for a progress payment as stated in Section 8.2, above. Corrections to previous progress payments, including adjustments to estimated quantities for unit priced items, may be included in the Final Payment. The date of Final Payment is deemed to be effective on the date that City acts to release retention as final payment to Contractor, or otherwise provides written notice to Contractor of Final Payment. If the amount due from Contractor to City exceeds the amount of Final Payment, City retains the right to recover the balance from Contractor or its sureties.
- 8.9 Release of Claims.** City may, at any time, require that payment of the undisputed portion of any progress payment or Final Payment be contingent upon Contractor furnishing City with a written release of all claims against City arising from or related to the portion of Work covered by those undisputed amounts. Any disputed amounts may be specifically excluded from the release.
- 8.10 Warranty of Title.** Contractor warrants that title to all work, materials, or equipment incorporated into the Work and included in a request for payment will pass over to City free of any claims, liens, or encumbrances upon payment to Contractor.

CONTRACT BALANCE FORM

Project Name: _____

Note: A detailed invoice MUST be attached to this Contract Balance Form.

CONTRACTOR NAME: _____	DATE: _____
MAILING ADDRESS: _____	TELEPHONE NO.: _____
_____	FAX NO.: _____
_____	PROJECT NO.: _____
	INVOICE NO.: _____

- | | |
|--|----------------|
| 1. ORIGINAL CONTRACT AMOUNT: | \$ _____ |
| 2. APPROVED CHANGE ORDERS TOTAL: | \$ _____ |
| 3. REVISED CONTRACT AMOUNT: | (1+2) \$ _____ |
| 4. PREVIOUS BALANCE PAID: | \$ _____ |
| 5. REMAINING BALANCE: | (3-4) \$ _____ |
| 6. CURRENT PROGRESS PAYMENT DUE:
(before retention) | \$ _____ |
| 7. 5% RETENTION FROM WORK DONE: | (-)\$ _____ |
| 8. CURRENT BALANCE DUE: | (6-7) \$ _____ |
| 9. REMAINING BALANCE OF REVISED
CONTRACT AMOUNT:
(including retention) | (5-8) \$ _____ |

Article 9 Labor Provisions

9.1 Discrimination Prohibited. Discrimination against any prospective or present employee engaged in the Work on grounds of race, color, ancestry, national origin, ethnicity, religion, sex, sexual orientation, age, disability, or marital status is strictly prohibited. Contractor and its Subcontractors are required to comply with all applicable Federal and California laws including the California Fair Employment and Housing Act (Government Code Sections 12900 et seq.), Government Code Section 11135, and Labor Code Sections 1735, 1777.5, 1777.6, and 3077.5.

9.2 Labor Code Requirements.

(A) ***Eight Hour Day.*** Under Labor Code Section 1810, eight (8) hours of labor constitute a legal day's work under this Contract.

(B) ***Penalty.*** Under Labor Code Section 1813, Contractor will forfeit to City as a penalty, the sum of Twenty Five Dollars (\$25.00) for each day during which a worker employed by Contractor or any Subcontractor is required or permitted to work more than eight (8) hours in any one (1) calendar day or more than forty (40) hours per calendar week, except if such workers are paid overtime under Labor Code Section 1815.

(C) ***Apprentices.*** Contractor is responsible for compliance with the requirements governing employment and payment of apprentices, as set forth in Labor Code Section 1777.5, which is fully incorporated by reference.

(D) ***Notices.*** Under Labor Code Section 1771.4, Contractor is required to post all job site notices prescribed by law or regulation.

9.3 Prevailing Wages. Each worker performing Work under this Contract that is covered under Labor Code Section 1720, including cleanup at the Project site, must be paid at a rate not less than the prevailing wage as defined in Sections 1771 and 1774 of the Labor Code. The prevailing wage rates are available online at <http://www.dir.ca.gov/dlsr>. Contractor must post a copy of the applicable prevailing rates at the Worksite.

(A) ***Penalties.*** Under Labor Code Section 1775, Contractor and any Subcontractor will forfeit to City as a penalty up to Two Hundred Dollars (\$200.00) for each calendar day, or portion a day, for each worker paid less than the applicable prevailing wage rate. Contractor must also pay each worker the difference between the applicable prevailing wage rate and the amount actually paid to that worker.

(B) **Federal Requirements.** If this Project is subject to Federal prevailing wage requirements in addition to California prevailing wage requirements, Contractor and its Subcontractors are required to pay the higher of the current applicable prevailing wage rates under federal law, available online at <http://www.access.gpo.gov/davisbacon/ca.html>.

9.4 Payroll Records. Contractor must comply with the provisions of Labor Code Sections 1776 and 1812 and all implementing regulations, which are fully incorporated by this reference, including requirements for electronic submission of payroll records.

(A) **Contractor and Subcontractor Obligations.** Contractor and each Subcontractor must keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed in connection with the Work. Each payroll record must contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:

- (1) The information contained in the payroll record is true and correct.
- (2) Contractor or Subcontractor has complied with the requirements of Labor Code Sections 1771, 1811, and 1815 for any Work performed by its employees on the Project.

(B) **Certified Record.** A certified copy of an employee's payroll record must be made available for inspection or furnished to the employee or his or her authorized representative on request, to City, or to the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards of the Department of Industrial Relations, and as further provided by the Labor Code.

(C) **Enforcement.** Upon notice of noncompliance with Labor Code Section 1776, Contractor or Subcontractor has ten (10) days in which to comply with requirements of this section. If Contractor or Subcontractor fails to do so within the ten (10) day period, Contractor or Subcontractor will forfeit a penalty of One Hundred Dollars (\$100.00) per day, or portion a day, for each worker for whom compliance is required, until strict compliance is achieved. Upon request by the Division of Apprenticeship Standards, or the Division of Labor Standards Enforcement, these penalties will be withheld from progress payments then due.

9.5 Labor Compliance. Under Labor Code section 1771.4, the Contract for this Project is subject to compliance monitoring and enforcement by the California Department of Industrial Relations.

9.6 Wage Theft Prevention. Compliance with Wage and Hour Laws: Contractor, and any subcontractor it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act and the California Labor Code.

Final Judgments, Decisions, and Orders: For purposes of this Section, a “final judgment, decision, or order” refers to one for which all appeals have been exhausted or the time to appeal has expired. Relevant investigatory government agencies include: the federal Department of Labor, the California Division of Labor Standards Enforcement, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

Prior Judgments against Contractor and/or its Subcontractors: BY SIGNING THIS AGREEMENT, CONTRACTOR AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY FINDING – IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT – THAT CONTRACTOR OR ITS SUBCONTRACTOR(S) HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONTRACTOR FURTHER AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) HAS SATISFIED AND COMPLIED WITH – OR HAS REACHED AGREEMENT WITH THE CITY REGARDING THE MANNER IN WHICH IT WILL SATISFY – ANY SUCH JUDGMENTS, DECISIONS OR ORDERS.

Judgments or Decisions During Term of Contract: If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Contractor or an subcontractor it employs to perform work under this Agreement has violated any applicable wage and hour law, or Contractor learns of such a judgment, decision, or order that was not previously disclosed, Contractor shall inform the City Attorney, no more than fifteen (15) days after the judgment, decision or order becomes final or of learning of the final judgment, decision or order. Contractor and its subcontractors shall promptly satisfy and comply with any such judgment, decision, or order, and shall provide the City Attorney with documentary evidence of compliance with the final judgment, decision or order within five (5) days of satisfying the final judgment, decision or order. The City reserves the right to require Contractor to enter into an agreement with the City regarding the manner in which any such final judgment, decision, or order will be satisfied.

City’s Right to Withhold Payment: Where Contractor or any subcontractor it employs to perform work under this Agreement has been found in violation of any

applicable wage and hour law by a final judgment, decision or order of a court or government agency, the City reserves the right to withhold payment to Contractor until such judgment, decision or order has been satisfied in full.

Material Breach: Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

Notice to City Related to Wage Theft Prevention: Notice provided to the City Attorney as required under this Section shall be addressed to: City Attorney, City of Morgan Hill, 17575 Peak Avenue, Morgan Hill, CA 95037. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

Article 10 Safety Provisions

10.1 Safety Precautions and Programs. Contractor and its Subcontractors are fully responsible for safety precautions and programs, and for the safety of persons and property in the performance of the Work. Contractor and its Subcontractors must comply with all applicable safety laws, rules and regulations and seek to avoid injury, loss, or damage to persons or property by taking reasonable steps to protect its employees and other persons at the Worksite, materials and equipment stored on or off site, and property at or adjacent to the Worksite.

(A) **Reporting Requirements.** Contractor must immediately provide a written report to City of all recordable accidents and injuries occurring at the Worksite. If Contractor is required to file an accident report with a government agency, Contractor will provide a copy of the report to City.

(B) **Legal Compliance.** Contractor's safety program must comply with the applicable legal and regulatory requirements. Contractor must provide City with copies of all notices required by law or regulation.

(C) **Contractor's Obligations.** Any damage or loss caused by Contractor arising from the Work which is not insured under property insurance must be promptly remedied by Contractor.

(D) **Remedies.** If City determines, in its sole discretion, that any part of the Work or Worksite is unsafe, City may, without assuming responsibility for Contractor's safety program, require Contractor or its Subcontractor to cease performance of the Work or to take corrective measures to City's satisfaction. If Contractor fails to promptly take the required corrective

measures, City may perform them and deduct the cost from the Contract Price. Contractor agrees it is not entitled to submit a Claim for damages, for an increase in Contract Price, or for a change in Contract Time based on Contractor's compliance with City's request for corrective measures pursuant to this provision.

10.2 Hazardous Materials. Unless otherwise specified, this Contract does not include the removal, handling, or disturbance of any asbestos or other Hazardous Materials. If Contractor encounters materials on the Worksite that Contractor reasonably believes to be asbestos or other Hazardous Materials, and the asbestos or other Hazardous Materials have not been rendered harmless, Contractor may continue Work in unaffected areas reasonably believed to be safe, but must immediately cease work on the area affected and report the condition to City. No asbestos, asbestos-containing products or other Hazardous Materials may be used in performance of the Work.

10.3 Material Safety. Contractor must maintain Material Safety Data Sheets ("MSDS") at the Worksite, as required by law, for materials or substances used or consumed in the performance of the Work. The MSDS will be accessible and available to Contractor's employees, Subcontractors, and City.

(A) **Contractor Obligations.** Contractor is solely responsible for the proper delivery, handling, use, storage, removal, and disposal of all materials brought to the Worksite and/or used in the performance of the Work.

(B) **Labeling.** Contractor must ensure proper labeling on any material brought onto the Worksite so that any persons working with or in the vicinity of the material may be informed as to the identity of the material, any potential hazards, and requirements for proper handling, protections, and disposal.

Article 11 Completion and Warranty Provisions

11.1 Final Completion.

(A) **Final Inspection.** When the Work required by this Contract is fully performed, Contractor must provide written notification to Project Manager requesting final inspection. Based on this inspection, the Design Professional will prepare a punch list of items that are incomplete, incorrectly installed, or not operating as required by the Contract Documents. The omission of any such item from this punch list will not

relieve Contractor from fulfilling all requirements of the Contract Documents.

(B) **Punch List.** City will promptly deliver the punch list to Contractor and will specify the time by which all of the punch list items must be completed or corrected. The punch list may include City's estimated cost to complete each punch list item if Contractor fails to do so within the specified time.

(C) **Requirements for Final Completion.** Final Completion will be achieved upon completion or correction of all punch list items, as verified by inspection, and upon satisfaction of all other Contract requirements, including any commissioning required under the Contract Documents, and submission of all final submittals, including a warranty bond as required under Section 4.4, instructions and manuals as required under Section 7.10, and as-built drawings as required under Section 7.11, all to City's satisfaction. Once Final Completion is achieved, and the Project has been formally accepted by City, City will file a notice of completion with the County Recorder.

(D) **Final Payment.** Final Payment and release of retention, less any sums withheld pursuant to the provisions of the Contract Documents, will not be made sooner than thirty five (35) days after recordation of the notice of completion. If Contractor fails to complete all of the punch list items within the specified time, City may elect to accept the Project and record the notice of completion, and withhold up to one hundred fifty percent (150%) of City's estimated cost to complete the remaining items from Final Payment.

11.2 Warranty.

(A) **General.** Contractor warrants that all materials and equipment will be new unless otherwise specified, of good quality, in conformance with the Contract Documents, and free from defective workmanship and materials. Contractor further warrants that the Work will be free from material defects not intrinsic in the design or materials required in the Contract Documents. At City's request, Contractor must furnish satisfactory evidence of the quality and type of materials and equipment furnished. Contractor's warranty does not extend to damage caused by normal wear and tear, or improper use or maintenance.

(B) **Warranty Period.** Contractor's warranty must guarantee its Work for a period of one (1) year from the date of recordation of the notice of completion (the "Warranty Period"), except when a longer guarantee is provided by a supplier or manufacturer or is required by the Specifications or Special Conditions. Contractor must obtain from its Subcontractors,

suppliers and manufacturers any special or extended warranties required by the Contract Documents.

(C) **Warranty Documents.** As a condition precedent to acceptance, Contractor must supply City with all warranty and guarantee documents relevant to equipment and materials incorporated into the Work and guaranteed by their suppliers or manufacturers.

(D) **Subcontractors.** The warranty obligations in the Contract Documents apply to Work performed by Contractor and its Subcontractors, and Contractor expressly agrees to act as co-guarantor of such Work.

(E) **Contractor's Obligations.** Upon written notice from City to Contractor of any defect in the Work discovered during the Warranty Period, Contractor or its responsible Subcontractor must promptly correct the defective Work at its own cost. Contractor's obligation to correct defects discovered during the Warranty Period will continue past the expiration of the Warranty Period as to any defects in Work for which Contractor was notified prior to expiration of the Warranty Period.

(F) **City's Remedies.** If Contractor and/or its responsible Subcontractor fails to correct defective Work within ten (10) days following notice by City, or sooner, if required by the circumstances, Contractor expressly agrees that City may correct the defects to conform with Contract Documents at Contractor's sole expense, and Contractor agrees to reimburse City for its costs within thirty (30) days following City's submission of a demand for payment pursuant to this provision. If City is required to initiate legal action to compel Contractor's compliance with this provision, and City is the prevailing party in such action, Contractor is solely responsible for all of City's attorney's fees and legal costs expended to enforce Contractor's warranty obligations herein in addition to any and all costs incurred by City to correct the defective Work.

11.3 Use Prior to Final Completion. City reserves the right to occupy or make use of the Project, or any portions of the Project, prior to Final Completion if City has determined that the Project or portion of it is in a condition suitable for the proposed occupation or use, and that it is in its best interest to occupy or make use of the Project, or any portions of it, prior to Final Completion. City will notify Contractor in writing of its intent to occupy or make use of the Project or any portions of the Project, pursuant to this provision.

(A) **Non-Waiver.** Occupation or use prior to Final Completion will not operate as acceptance of the Work or any portion of it, nor will it operate as a waiver of any of City's rights or Contractor's duties pursuant to these

Contract Documents, and will not affect nor bear on the determination of the time of substantial completion with respect to any statute of repose pertaining to the time for filing an action for construction defect.

(B) **City's Responsibility.** City will be responsible for the cost of maintenance and repairs due to normal wear and tear with respect to those portions of the Project that are being occupied or used before final completion. The Contract Price or the Contract Time may be adjusted pursuant to the applicable provisions of these Contract Documents if, and only to the extent that, any occupation or use under this Section actually adds to Contractor's cost or time to perform the Work.

11.4 Substantial Completion. For purposes of determining "substantial completion" with respect to any statute of repose pertaining to the time for filing an action for construction defect, "substantial completion" is deemed to mean the last date that Contractor or any Subcontractor performs Work on the Project prior to recordation of the Notice of Completion, except for warranty work performed under this Article.

Article 12 Dispute Resolution

12.1 Claims. This Article applies to and provides the exclusive procedures for any Claim arising from or related to the Contract or performance of the Work.

(A) **Definition.** "Claim" means a separate demand by Contractor, submitted in writing, for change in the Contract Time or Contract Price that has previously been submitted to City in accordance with the requirements of the Contract Documents, and which has been rejected by City, in whole or in part.

(B) **Limitations.** A Claim may only include the portion of a previously rejected demand that remains in dispute between Contractor and City. With the exception of any dispute regarding the amount of money actually paid to Contractor as Final Payment, Contractor is not entitled to submit a Claim demanding a change in the Contract Time or the Contract Price, which has not previously been submitted to City in full compliance with Article 5 and Article 6, and subsequently rejected in whole or in part by City.

(C) **Scope of Article.** This Article is intended to provide the exclusive procedures for submission and resolution of Claims of any amount, and applies in addition to the provisions of Public Contract Code Section 9204 and Sections 20104, et seq.

(D) **No Work Delay.** Notwithstanding the submission of a Claim or any other dispute between the parties related to the Project or the Contract Documents, Contractor must perform the Work and may not delay or cease Work pending resolution of the Claim or other dispute, but must continue to diligently prosecute the performance and timely completion of the Work, including the Work pertaining to the Claim or other dispute.

12.2 Claims Submission. The following requirements apply to any Claim subject to this Article:

(A) **Substantiation.** The Claim must be submitted to City in writing, clearly identified as a “Claim” submitted pursuant to this Article 12, and must include all of the documents necessary to substantiate the Claim including the Change Order request that was rejected in whole or in part, and a copy of City’s written rejection that is in dispute. The Claim must clearly identify and describe the dispute, including relevant references to applicable portions of the Contract Documents, and a chronology of the relevant events. Any Claim for additional payment must include a complete, itemized breakdown of all labor, materials, taxes, insurance, and subcontract, or other costs. Substantiating documentation such as payroll records, receipts, invoices, or the like, must be submitted in support of each claimed cost. Any Claim for an extension of time or delay costs must be substantiated with schedule analysis and narrative depicting and explaining claimed time impacts.

(B) **Claim Format.** A Claim must be submitted in the following format:

- (1) General introduction, specifically identifying the submission as a “Claim” submitted under this Article 12.
- (2) Relevant background information, including identification of the specific demand at issue, and the date of City’s rejection of that demand.
- (3) Detailed explanation of the issue(s) in dispute. For multiple issues, separately number and identify each issue and include the following for each separate issue:
 - (a) The background of the issue, including references to relevant provisions of the Contract Documents;
 - (b) A succinct statement of the matter in dispute, including Contractor’s position and the basis for that position;
 - (c) A chronology of relevant events;

(d) The identification and attachment of all supporting documents (see subsection (A), above, on Substantiation); and

(e) Use of a separate page for each issue.

(4) Summary of issues and damages.

(5) The following certification, executed by Contractor's authorized representative:

"The undersigned Contractor certifies under penalty of perjury that its statements and representations in this Claim are true and correct. Contractor warrants that this Claim is comprehensive and complete as to the matters in dispute, and agrees that any costs, expenses, or delay claim not included herein are deemed waived. Contractor understands that submission of a Claim which has no basis in fact or which Contractor knows to be false may violate the False Claims Act (Government Code Section 12650 et seq.)."

(C) ***Submission Deadlines.***

(1) A Claim must be submitted within fifteen (15) days following the date that City notified Contractor in writing that a request for a change in the Contract Time or Contract Price, duly submitted in compliance with Article 5 and Article 6, has been rejected in whole or in part.

(2) With the exception of any dispute regarding the amount of Final Payment, any Claim must be filed on or before the date of Final Payment, or will be deemed waived.

(3) A Claim disputing the amount of Final Payment must be submitted within fifteen (15) days of the effective date of Final Payment, under Section 8.8, above.

(4) Strict compliance with these Claim submission deadlines is necessary to ensure that any dispute may be mitigated as soon as possible, and to facilitate cost-efficient administration of the Project. Any Claim that is not submitted within the specified deadlines will be deemed waived by Contractor.

12.3 City's Response. City will respond within forty-five (45) days of receipt of the Claim with a written statement identifying which portion(s) of the Claim are disputed, unless the forty-five (45) day period is extended by mutual agreement of City and Contractor. However, the City may first request, in

writing, within thirty (30) days of receipt of the Claim, any additional documentation supporting the Claim or relating to defenses to the Claim that City may have against Contractor. If Contractor fails to submit the additional documentation to City within fifteen (15) days of receipt of City's request, the Claim will be deemed waived.

(A) **Additional Information.** If additional information is thereafter required, it may be requested and provided upon mutual agreement of City and Contractor.

(B) **City's Response.** City's written response to the Claim, as further documented, will be submitted to Contractor within fifteen (15) days after receipt of the further documentation or within a period of time no greater than that taken by Contractor in producing the additional information, whichever is greater.

(C) **Non-Waiver.** Any failure by City to respond within the times specified above may not be construed as acceptance of the Claim in whole or in part, or as a waiver of any provision of these Contract Documents.

12.4 Meet and Confer. If Contractor disputes City's written response, or City fails to respond within the specified time, Contractor must notify City in writing, either within fifteen (15) days of receipt of City's response, or within fifteen (15) days of City's failure to respond within the specified time, respectively, and demand an informal conference to meet and confer for settlement of the issues in dispute. If Contractor fails to dispute City's response, in writing, within the specified times, Contractor's Claim will be deemed waived.

(A) **Schedule Meet and Confer.** Upon receipt of the demand to meet and confer, City will schedule the meet and confer conference to be held within thirty (30) days, or later if needed to ensure the mutual availability of all of the individuals that each party requires to represent its interests at the meet and confer conference.

(B) **Location for Meet and Confer.** The meet and confer conference will be scheduled at a location at or near City's principal office.

(C) **Written Statement After Meet and Confer.** Within ten (10) working days after the meet and confer has concluded, City will issue a written statement identifying which portion(s) of the Claim remain in dispute, if any.

(D) **Submission to Mediation.** If the Claim or any portion remains in dispute following the meet and confer conference, within ten working days

after the City issues the written statement identifying any portion(s) of the Claim remaining in dispute, the disputed portion(s) will be submitted for mediation as set forth below.

12.5 Mediation and Government Code Claims.

(A) **Mediation.** Mediation under this Article will be scheduled within sixty (60) days following conclusion of the meet and confer process, with a mediator that the parties mutually agreed upon. The mediation itself may take place more than sixty (60) days following conclusion of the meet and confer process to ensure the mutual availability of the selected mediator and all of the individuals that each party requires to represent its interests. The parties must share the costs of mediation equally, except costs incurred by each party for representation by legal counsel or any other consultant.

(B) Government Code Claims.

(1) Timely presentment of a Government Code Claim is a condition precedent to filing any legal action based on or arising from the Contract.

(2) The time for filing a Government Code Claim will be tolled from the time Contractor submits its written Claim pursuant to Section 12.2, above, until the time that Claim is denied as a result of the meet and confer process, including any period of time used by the meet and confer process. If the parties agree to mediation, the time for filing a Government Code Claim will be tolled until conclusion of the mediation if the Claim is not fully resolved by mutual agreement of the parties during the mediation or any continuation of the mediation.

12.6 Tort Claims. This Article does not apply to tort claims and nothing in this Article is intended nor will be construed to change the time periods for filing tort-based Government Code Claims.

12.7 Arbitration. It is expressly agreed, under California Code of Civil Procedure Section 1296, that in any arbitration to resolve a dispute relating to this Contract, the arbitrator's award must be supported by law and substantial evidence.

12.8 Damages. Contractor bears the burden of proving entitlement to and the amount of any claimed damages. Contractor is not entitled to damages calculated on a total cost basis, but must prove actual damages. Contractor is not entitled to recovery of any alleged home office overhead. The Eichleay Formula or similar formula may not be used for any recovery

under the Contract. Contractor is not entitled to consequential damages, including home office overhead or any form of overhead not directly incurred at the Worksite; lost profits; loss of productivity; lost opportunity to work on other projects; diminished bonding capacity; increased cost of financing for the Project; extended capital costs; non-availability of labor, material or equipment due to delays; or any other indirect loss arising from the Contract.

- 12.9 Other Disputes.** The procedures in this Article 12 will apply to any and all disputes or legal actions, in addition to Claims, arising from or related to this Contract, unless and only to the extent that compliance with a procedural requirement is expressly and specifically waived by City. Nothing in this Article is intended to delay suspension or termination under Article 13.

Article 13 Suspension and Termination

- 13.1 Suspension for Cause.** In addition to all other remedies available to City, if Contractor fails to perform or correct work in accordance with the Contract Documents, City may immediately order the Work, or any portion of it, suspended until the cause for the suspension has been eliminated to City's satisfaction.

(A) ***Failure to Comply.*** Contractor will not be entitled to an increase in Contract Time or Contract Price for a suspension occasioned by Contractor's failure to comply with the Contract Documents.

(B) ***No Duty to Suspend.*** City's right to suspend the Work will not give rise to a duty to suspend the Work, and City's failure to suspend the Work will not constitute a defense to Contractor's failure to comply with the requirements of the Contract Documents.

- 13.2 Suspension for Convenience.** City reserves the right to suspend, delay, or interrupt the performance of the Work in whole or in part, for a period of time determined to be appropriate for City's convenience, and not due to any act or omission by Contractor or its Subcontractors. Upon notice by City pursuant to this provision, Contractor must immediately suspend, delay, or interrupt the Work as directed by City. The Contract Price and the Contract Time will be equitably adjusted by Change Order to reflect the cost and delay impact occasioned by such suspension for convenience.

- 13.3 Termination for Default.** Contractor may be deemed in default for a material breach of or inability to perform the Contract, including Contractor's refusal or failure to supply sufficient skilled workers, proper

materials, or equipment to perform the Work within the Contract Time; refusal or failure to make prompt payment to its employees, Subcontractors, or suppliers or to correct rejected work; disregard of laws, regulations, ordinances, rules, or orders of any public agency with jurisdiction over the Project; or if Contractor lacks financial capacity to complete the Work within the Contract Time; or is otherwise responsible for a material breach of the Contract requirements.

(A) **Notice.** Upon City's determination that Contractor is in default, City may provide Contractor and its surety written notice of default and intent to terminate the Contract.

(B) **Termination.** Within seven (7) calendar days after notice of intent to terminate for default has been given, unless the default is cured or arrangements to cure the default have been made and memorialized in writing, to City's satisfaction, City may terminate the Contract by written notice to Contractor with a copy to Contractor's surety.

(C) **Waiver.** Time being of the essence in the performance of the Work, if Contractor's surety fails to arrange for completion of the Work in accordance with the Performance Bond, within seven (7) calendar days from the date of the notice of termination, Contractor's surety will be deemed to have waived its right to complete the Work under the Contract, and City may immediately make arrangements for the completion of the Work through use of its own forces, by hiring a replacement contractor, or by any other means that City determines advisable under the circumstances. Contractor and its surety will be jointly and severally liable for any additional cost incurred by City to complete the Work following termination. In addition, City will have the right to use any materials, supplies, and equipment belonging to Contractor and located at the Worksite for the purposes of completing the remaining Work.

(D) **Wrongful Termination.** If a court of competent jurisdiction or an arbitrator later determines that the termination for default was wrongful, the termination will be deemed to be a termination for convenience, and Contractor's damages will be strictly limited to the compensation provided for termination for convenience, in Section 13.4, below. Contractor waives any claim for any other damages for wrongful termination including consequential damages, lost opportunity costs or lost profits.

13.4 Termination for Convenience. City reserves the right to terminate all or part of the Contract for convenience upon written notice to Contractor. Upon receipt of such notice, Contractor must immediately stop the Work, comply with City's instructions to protect the completed Work and materials, and use its best efforts to minimize further costs. In the event of termination for convenience, the parties agree that the following will

constitute full and fair compensation to Contractor, and that Contractor will not be entitled to any additional compensation:

- (A) **Completed Work.** The value of its Work satisfactorily performed to date, including Project overhead and profit based on Contractor's schedule of values;
- (B) **Demobilization.** Actual and substantiated demobilization costs; and
- (C) **Markup.** Five percent (5%) of the total value of the Work performed as of the date of notice of termination or five percent (5%) of the value of the Work yet to be completed, whichever is less.

- 13.5 Provisions Remaining in Effect.** Upon termination pursuant to this Article, the provisions of the Contract Documents remain in effect as to any claim, indemnity obligation, warranties, guarantees, submittals of as-built drawings, instructions, or manuals, or other such rights and obligations arising prior to the termination date.

Article 14 Miscellaneous Provisions

- 14.1 Assignment of Unfair Business Practice Claims.** Under Public Contract Code Section 7103.5, Contractor and its Subcontractors agree to assign to City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the Contract or subcontract. This assignment will be effective at the time City tenders Final Payment to Contractor, without further acknowledgement by the parties.
- 14.2 Provisions Deemed Inserted.** Every provision of law required to be inserted in the Contract Documents is deemed to be inserted, and the Contract Documents will be construed and enforced as though such provision has been included. If it is discovered that through mistake or otherwise that any required provision was not inserted, or not correctly inserted, the Contract Documents will be amended accordingly.
- 14.3 Waiver.** No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of the Contract Documents will be effective unless it is in writing and signed by the party

waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy will be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor will any waiver constitute a continuing waiver unless specified in writing by the waiving party.

- 14.4 Titles, Headings, and Groupings.** The titles and headings used and the groupings of provisions in the Contract Documents are for convenience only and may not be used in the construction or interpretation of the Contract Documents or relied upon for any other purpose.
- 14.5 Statutory and Regulatory References.** With respect to any amendments to any statutes or regulations referenced in these Contract Documents, the reference is deemed to be the version in effect on the date that that bids were due.

END OF GENERAL CONDITIONS

Attachment: 2021 Sidewalk Repair BID Docs [Revision 1] (3077 : Award 2021 Sidewalk Repair Contract)

SPECIAL CONDITIONS

1. **Emergency Contact.** Prior to the commencement of Work on the Project, Contractor must provide contact information to the City Project Manager for the person designated by Contractor to respond to any emergency that arises on the Worksite during the course of the Project. That person will be responsible for responding to the Worksite within thirty (30) minutes following notification of an emergency by City's Police or Fire Department, regardless of the time of day.

2. **Authorized Work Days and Hours.**

(A) **Authorized Work Days.** Except as expressly authorized in writing by City, Contractor is limited to performing Work on the Project on the following days of the week, excluding holidays observed by City:

Monday through Friday

(B) **Authorized Work Hours.** Except as expressly authorized in writing by City, Contractor is limited to performing Work on the Project during the following hours:

7 a.m. to 7 p.m.

3. **Pre-Construction Meeting.** Contractor will attend Pre-Construction meeting during which the City's Project Manager will review the Contract administration procedures and project requirements.

END OF SPECIAL CONDITIONS

Attachment: 2021 Sidewalk Repair BID Docs [Revision 1] (3077 : Award 2021 Sidewalk Repair Contract)

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CITY OF MORGAN HILL

2021 SIDEWALK REPAIR AND REPLACEMENT PROJECT TECHNICAL PROVISIONS

SCOPE OF WORK:

The Sidewalk Replacement Project will occur at multiple locations within Morgan Hill, CA 95037, and the Scope of Work is described as follows:

- Remove and replace damaged sidewalk totaling approximately 8,551 square feet.

GENERAL REQUIREMENTS:

1.01 ORDER OF WORK

a. Description: Order of work shall conform to the provisions in the CalTrans "Standard Specifications" (CSS) and these special provisions.

Prior to construction, contractor must obtain an Encroachment Permit from the City.

Upon scheduled date of the preconstruction meeting, contractor shall prepare and submit a detailed schedule to the City Project Manager for review and approval. In addition, contractor shall provide and deliver a notice (minimum of 48 hours prior to construction) to all affected residents.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Order of Work" shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

1.02 MAINTAINING TRAFFIC

a. Description: Attention is directed to Sections 7-1.03, "Public Convenience", 7-1.04, "Public Safety", and 12, "Construction Area Traffic Control Devices", of the Standard Specifications and to the provisions in "Public Safety" of these special provisions and these special provisions. Nothing in these special

provisions shall be construed as relieving the Contractor from the responsibilities specified in Section 7-1.04.

The Contractor may detour traffic in a route approved by the City Project Manager. Flaggers shall be provided at non-signalized intersections when traffic conditions warrant as determined by the City Project Manager. At least one lane of traffic shall be provided through the construction area during construction. Two lanes of traffic shall be provided through the project area during non-construction time.

Vehicular and pedestrian access to all properties shall be maintained at all times. Contractor shall place "no parking" signs as required in order to prevent the public from blocking the work. Contractor shall provide trench plates where necessary to accommodate access or provide other means of access.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Maintaining Traffic" shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

1.03 PUBLIC SAFETY

a. Description: The Contractor shall provide for the safety of traffic and the public in conformance with the provisions in Section 7-1.04, "Public Safety", of the Standard Specifications and these special provisions.

The Contractor shall install temporary railing (Type K) between a lane open to public traffic and an excavation, obstacle or storage area when the following conditions exist:

A. Excavations.—The near edge of the excavation is 12 feet or less from the edge of the lane, except:

1. Excavations covered with sheet steel or concrete covers of adequate thickness to prevent accidental entry by traffic or the public.
2. Excavations less than one foot deep.
3. Trenches less than one foot wide for irrigation pipe or electrical conduit, or excavations less than one foot in diameter.
4. Excavations parallel to the lane for the purpose of pavement widening or reconstruction.
5. Excavations in side slopes, where the slope is steeper than 1:4 (vertical:horizontal).
6. Excavations protected by existing barrier or railing.

B. Temporarily Unprotected Permanent Obstacles.—The work includes the installation of a fixed obstacle together with a protective system, such as a sign structure together with protective railing, and the Contractor elects to install the obstacle prior to installing the protective system; or the Contractor, for the Contractor's convenience and with permission of the City Project Manager,

removes a portion of an existing protective railing at an obstacle and does not replace such railing complete in place during the same day.

C. Storage Areas.—Material or equipment is stored within 12 feet of the lane and the storage is not otherwise prohibited by the provisions of the Standard Specifications and these special provisions.

The approach end of temporary railing (Type K), installed in conformance with the provisions in this section "Public Safety" and in Section 7-1.04, "Public Safety," of the Standard Specifications, shall be offset a minimum of 15 feet from the edge of the traffic lane open to public traffic. The temporary railing shall be installed on a skew toward the edge of the traffic lane of not more than one foot transversely to 10 feet longitudinally with respect to the edge of the traffic lane. If the 15 feet minimum offset cannot be achieved, the temporary railing shall be installed on the 10 to 1 skew to obtain the maximum available offset between the approach end of the railing and the edge of the traffic lane, and an array of temporary crash cushion modules shall be installed at the approach end of the temporary railing.

Temporary railing (Type K) shall conform to the provisions in Section 12-3.08, "Temporary Railing (Type K)," of the Standard Specifications. Temporary railing (Type K), conforming to the details shown on 1999 Standard Plan T3, may be used. Temporary railing (Type K) fabricated prior to January 1, 1993, and conforming to 1988 Standard Plan B11-30 may be used, provided the fabrication date is printed on the required Certificate of Compliance. Temporary crash cushion modules shall conform to the provisions in "Temporary Crash Cushion Module" of these special provisions.

Except for installing, maintaining and removing traffic control devices, whenever work is performed or equipment is operated in the following work areas, the Contractor shall close the adjacent traffic lane unless otherwise provided in the Standard Specifications and these special provisions:

Approach Speed of Public Traffic (Posted Limit)	Work Areas
45 Miles Per Hour	Within 6 feet of a traffic lane but not on a traffic lane
35 to 45 Miles Per Hour	Within 3 feet of a traffic lane but not on a traffic lane

The lane closure provisions of this section shall not apply if the work area is protected by permanent or temporary railing or barrier.

When traffic cones or delineators are used to delineate a temporary edge of a traffic lane, the line of cones or delineators shall be considered to be the edge of the traffic lane, however, the Contractor shall not reduce the width of an existing lane to less than 10 feet without written approval from the City Project Manager.

When work is not in progress on a trench or other excavation that required closure of an adjacent lane, the traffic cones or portable delineators used for the lane closure shall be placed off of and adjacent to the edge of the traveled way. The spacing of the cones or delineators shall be not more than the spacing used for the lane closure. Suspended loads or equipment shall not be moved nor positioned over public traffic or pedestrians.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Public Safety," including furnishing and installing temporary railing (Type K) and temporary crash cushion modules, shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

1.04 DUST CONTROL

a. Description: Dust control shall conform to the provisions in Section 10, "Dust Control", of the Standard Specifications and these Special Provisions.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Dust Control" shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

1.05 WATER POLLUTION CONTROL

a. General: *Water pollution control work shall conform to the provisions in Section 7-1.01G, "Water Pollution," of the Standard Specifications and these special provisions.*

Water pollution control work shall conform to the requirements in the "Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Preparation Manual" and the "Construction Site Best Management Practices (BMPs) Manual," and addenda thereto issued up to, and including, the date of advertisement of the project, hereafter referred to respectively as the "Preparation Manual" and the "Construction Site BMP Manual" and collectively as the "Manuals." Copies of the Manuals may be obtained from the Department of Transportation, Material Operations Branch, Publication Distribution Unit, 1900 Royal Oaks Drive, Sacramento, California 95815, Telephone: (916) 445-3520. Copies of the Manuals may also be obtained from the Department's Internet Web Site at: <http://www.dot.ca.gov/hq/construc/stormwater.html>.

The Contractor shall know and fully comply with the applicable provisions of the Manuals and Federal, State, and local regulations that govern the Contractor's operations and storm water discharges from both the project site and areas of disturbance outside the project limits during construction.

Under no circumstances, shall concrete wash water, water from saw-cutting operations or any other contaminated water be allowed to enter the storm drain system or other drainage courses.

Unless arrangements for disturbance of areas outside the project limits are made by the City of Morgan Hill and made part of the contract, it is expressly agreed that the City assumes no responsibility whatsoever to the Contractor or property owner with respect to any arrangements made between the Contractor and property owner to allow disturbance of areas outside the project limits.

The Contractor shall be responsible for the costs and for liabilities imposed by law as a result of the Contractor's failure to comply with the requirements set forth in this section "Water Pollution Control" including, but not limited to, compliance with the applicable provisions of the Manuals and Federal, State, and local regulations. For the purposes of this paragraph, costs and liabilities include, but are not limited to, fines, penalties, and damages whether assessed against the State or the Contractor, including those levied under the Federal Clean Water Act and the State Porter Cologne Water Quality Act.

In addition to the remedies authorized by law, an amount of the money due the Contractor under the contract, as determined by the City of Morgan Hill, may be retained by the State of California until disposition has been made of the costs and liabilities.

The retention of money due the Contractor shall be subject to the following:

A. The City give the Contractor 30 days notice of the City's intention to retain funds from partial payments, which may become due to the Contractor prior to acceptance of the contract. Retention of funds from payments made after acceptance of the contract, may be made without prior notice to the Contractor.

B. No retention of additional amounts out of partial payments will be made if the amount to be retained does not exceed the amount being withheld from partial payments pursuant to Section 9-1.06, "Partial Payments," of the Standard Specifications.

C. If the City has retained funds and it is subsequently determined that the State is not subject to the costs and liabilities in connection with the matter for which the retention was made, the City shall be liable for interest on the amount retained at the legal rate of interest for the period of the retention.

Conformance with the provisions in this section "Water Pollution Control" shall not relieve the Contractor from the Contractor's responsibilities as provided in Section 7, "Legal Relations and Responsibilities," of the Standard Specifications.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Water Pollution Control" shall be considered as

included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

1.06 DAMAGE REPAIR

a. Description: Attention is directed to Section 7-1.16, "Contractor's Responsibility for the Work and Materials", and Section 7-1.11, "Preservation of Property", of the Standard Specifications and these Special Provisions.

Any damage to existing facilities or properties during the period of the work shall be returned to the original condition.

b. Measurement and Payment: All damage to existing facilities shall be repaired and or replaced at the Contractor's expense.

1.07 RESPONSIBILITY FOR DAMAGE

a. General: Responsibility for damage shall conform to the provisions in Section 7-1.12, "Responsibility for Damage", of the Standard Specifications.

1.08 PROGRESS SCHEDULE

a. General: The progress schedule shall be in accordance with Section 8-1.04 of the CSS. Furthermore, on a weekly basis, the schedule shall be updated and submitted to the City Project Manager. This update shall show the progress on salient features, mark the dates of completion and incorporate changes in construction sequencing or in items of construction.

b. Format: The construction schedule shall be a CPM format. The schedule shall be submitted in the following formats: Time-scaled Logic Diagram showing the name of the activity, the logical relationships, the duration, and the actual or scheduled start dates in a bar chart format; and an Activity Report showing the name of the activity, the actual and scheduled finish and start dates, the scheduled and actual durations, the logical relationships and other pertinent data. The schedule shall be subject to review, correction and acceptance by the City Project Manager.

c. Periodically Scheduled Meetings: Periodically scheduled meetings will be required, in which the project teams of the Contractor and his agents and the City can meet to discuss the schedule and progress of project.

d. Measurement and Payment: Full compensation for conforming to the provisions in this section "Progress Schedule" shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

1.09 COORDINATION OF WORK

a. Description: The Contractor shall give specified notifications to the property owners effected by the work. All properties affected by the work shall be notified in writing, 48 hours prior to the interruption. In addition, the Contractor shall attempt to notify the affected occupants or residents, in person, on the same day of the work.

Failure to notify property owners with written notification shall result in stopping the project progress.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Coordination of Work" shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

1.10 DAILY AND FINAL CLEAN UP

a. Description: The Contractor shall clean up all rubbish and excess materials from the work site on a daily basis, the material storage site, and all ground occupied by Contractor in connection with this work. All tree, roots, wood chips, branches, soil and concrete debris shall be removed from each repair location on a daily basis. The Contractor shall leave all parts of the work in a neat and presentable condition on a daily basis and prior to final inspection of the work by the Project Manager.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Daily and Final Clean Up" shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

SIDEWALK REPAIR, CURB & GUTTER REMOVAL AND REPLACEMENT

2.01 MOBILIZATION

a. Description: Mobilization shall conform to the provisions in Section 11, "Mobilization", of the Standard Specifications. Mobilization shall include mobilizing labor and equipment and all necessary incidentals to complete the work at the various addresses listed in the Appendix 1. Underground Service Alert-Northern California (USA) shall be contacted prior to removal of sidewalks, curb and gutters, and trees in order to prevent possible utility damage.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Mobilization" shall be considered as included in the contract unit prices paid for the various items of work involved and no additional compensation will be allowed therefore.

2.02 SCHEDULING

a. Description: The Contractor shall submit a complete, tentative project schedule at the time of the preconstruction meeting. A minimum of five (5) working days prior to beginning work on any of the streets, the Contractor shall submit to the City Project Manager for approval a detailed written schedule of work listing the dates on which individual streets shall be surfaced. Following approval, the Contractor shall adhere diligently to the approved written schedule in the prosecution of the work.

The contractor shall post No Parking signs on affected streets indicating the date of work at least 48 hours prior to the actual work. As previously noted in Section 1.09-Coordination of Work, the Contractor shall also notify individual residents who will be adversely affected by the work in writing via fliers or door hangers at least 48 hours prior to work. The Contractor shall submit for approval by the City Project Manager a sample of the written notification to be supplied to residents. This sample shall be submitted at the time of the preconstruction meeting. Any expenses incurred by delays caused by the failure of the Contractor to adhere to the approved schedule or to properly notify residents shall be borne solely by the Contractor.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Scheduling" shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

2.03 PROJECT APPEARANCE

a. Description: The Contractor shall maintain a neat appearance at the work site in all areas visible to the public. Broken concrete, asphalt concrete, soil, tree branches and roots and other debris developed during construction shall be disposed of concurrently with its removal on a daily basis. Stockpiling of

new materials shall be permitted only with the approval of the City Project Manager and only in approved locations.

The Contractor shall sweep the streets daily within the project area as directed by the City Project Manager for the duration of the project. The Contractor shall not sweep construction materials or other debris onto private properties.

The Contractor shall be responsible for any and all damage to public and private property (including driveways, trees, plants, shrubs, fences, etc...) and shall replace with new material or correct any damaged property to the satisfaction of the City Project Manager.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Project Appearance" shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

2.04 CONSTRUCTION AREA SIGNS

a. Description: Construction area signs shall be furnished, installed, maintained, and removed when no longer required in conformance with the provisions in Section 12, "Construction Area Traffic Control Devices", of the Standard Specifications and these special provisions.

Attention is directed to the provisions in "Prequalified and Tested Signing and Delineation Materials" of these special provisions. Type II retro reflective sheeting shall not be used on construction area sign panels.

The Contractor shall notify the appropriate regional notification center for operators of subsurface installations at least 2 working days, but not more than 14 calendar days, prior to commencing excavation for construction area sign posts. The regional notification centers include, but are not limited to, the following:

Notification Center	Telephone Number
Underground Service Alert-Northern California (USA)	1-800-642-2444 1-800-227-2600
Underground Service Alert-Southern California (USA)	1-800-422-4133 1-800-227-2600

Excavations required to install construction area signs shall be performed by hand methods without the use of power equipment, except that power equipment may be used if it is determined there are no utility facilities in the area of the proposed post holes.

Sign substrates for stationary mounted construction area signs may be fabricated from fiberglass reinforced plastic as specified under "Prequalified and Tested Signing and Delineation Materials" of these special provisions.

The Contractor may be required to cover certain signs during the progress of the work. Signs that are no longer required or that convey inaccurate information to the public shall be immediately covered or removed, or the information shall be corrected. Covers for construction area signs shall be of sufficient size and density to completely block out the complete face of the signs. The retro-reflective face of the covered signs shall not be visible either during the day or at night. Covers shall be fastened securely so that the signs remain covered during inclement weather. Covers shall be replaced when they no longer cover the signs properly.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Construction Area Signs" shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

2.05 TRAFFIC & PEDESTRIAN CONTROL

a. Description: The Contractor shall comply with all of the requirements of the current edition of the State of California "Manual of Traffic Controls for Construction and Maintenance and Work Zones" for traffic control, pedestrian control and all construction area signs. Attention is also directed to Sections 7-1.03, "Public Convenience", and 7-1.04, "Public Safety", of the CSS and these Special Provisions. Nothing in these Special Provisions shall be construed as relieving the Contractor from his responsibility as provided in said Section 7-1.04.

Construction area signs shall be furnished, installed, maintained, and removed when no longer required in accordance with the provisions in Section 12, "Construction Area Traffic Control Devices", of the CSS, the Manual of Traffic Controls and these Special Provisions. **Sidewalk closure signs shall be placed at each sidewalk replacement location.**

When traffic control is not performed in compliance with the submitted Traffic Control Plan, the project shall be suspended until the Contractor conforms to the approved plan. During the period of suspension, all construction expenses incurred shall be the sole responsibility of the Contractor.

b. Measurement and Payment: Full compensation for conforming to the provisions in this section "Traffic Control" shall be considered as included in the contract prices paid for the various items of work involved and no additional compensation will be allowed therefore.

2.06 REMOVE AND REPLACE CONCRETE SIDEWALK

a. Description: This work consists of the removal and replacement of damaged concrete sidewalk and the removal and replacement of concrete curb and gutter. Root removal may be necessary at each location. City Project Manager should be consulted prior to root removal. Exact locations of sidewalk replacement and root removals are to be determined by the City Project

Manager. It is anticipated that at least 5,271 SF of concrete sidewalk including curb and gutter will be removed and replaced.

Sidewalk replacement Work includes removal and disposal of existing sidewalk, saw-cutting, root removal, expansion joints if required, score joints, removal/replacement & compaction of base material, formwork, curing compound, and rebar doweling per 2007 City Standard Details, to the dimensions at the locations listed in these special provisions or as directed by the City Project Manager and in conformance with Section 73 Concrete Curbs and Sidewalks, Section 15 Existing Highway Facilities of the CSS and the City's Standard Details for Construction. The City's Standard Details for Construction are attached to these technical specifications.

b. Submittals: Concrete mix design, concrete curing compound, asphalt mix design, and aggregate baserock mix design

c. Order of Work: Contractor shall demo concrete sidewalk or curb & gutter to expose roots. Roots in conflict with the replacement sidewalk shall be **hand cut** and not torn-out using force or equipment. Work shall be performed by an ISA certified arborist. Roots shall be trimmed approximately 3 inches below the aggregate base. Contractor shall perform demo and replacement of sidewalk and all incidentals at each location within 5 working days, including root removals in coordination with current City Tree Contractor/Arborist.

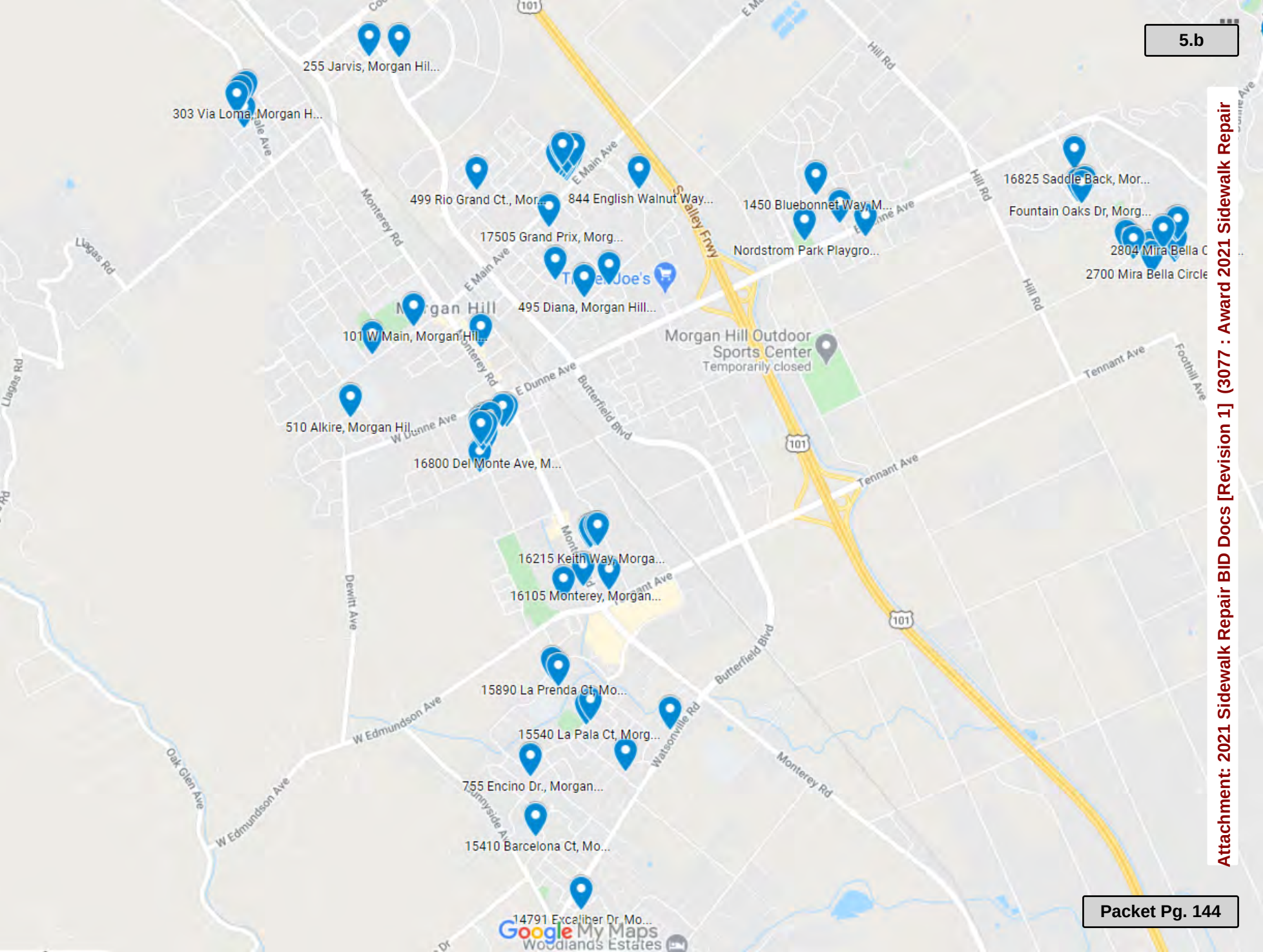
d. Materials: Portland Cement Concrete: Portland cement concrete shall be in conformance with Section 90 "Portland Cement Concrete" of the CSS for Class B Concrete. Curing Compound: shall be in conformance with Section 90 "Portland Cement Concrete" of the CSS. Asphalt Concrete: Asphalt concrete used shall be Type A, 2" medium in accordance with Section 39 of the CSS. Aggregate base: AB shall be Class 2, 3/4" maximum grading, and shall conform to the provisions in Section 26, "Aggregate Bases", of the Standard Specifications and these special provisions.

e. Measurement and Payment: The contract unit price paid, as shown in the Bid Schedule, for "Remove and Replace Concrete Sidewalk" shall include full compensation for performing all of the work listed above, complete in place, including traffic/pedestrian control/signage, and all incidentals as specified in theses Standard Specifications and these Special Provisions, 2007 City Design Standards, and as directed by the City Project Manager.

2.07 TREE REMOVAL

Tree removal will be completed by current City Tree Contractor/Arborist and coordination of this effort will be discussed at the pre-construction meeting.

END



2021 SIDEWALK REPAIR LOCATIONS

Address	Sidewalk Ft	Total Sq Ft	# of Trees	Notes
2729 Mira Bella Circle	20.0	100	1	Private tree?
2700 Mira Bella Circle	16.0	80		Two Locations
2701 Mira Bella Circle	20.0	100	2	On Trail Dr - two locations 20 ft apart
Mira Lagos Dr	17.0	85	1	Next to Retention Pond
Mira Lagos Dr	28.0	140		Next to Retention Pond
2804 Mira Bella Circle	10.0	50	1	
2800 Mira Bella Circle	8.0	40		
16533 Mira Bella Circle	18.0	90		Side of address next to fire hydrant
16825 Saddle Back / Palomino Ct	20.0	100	2	Two locations
Fountain Oaks Dr	70.0	350	5	Grind 5 different locations between Sorrell Way and up to 2445
16960 Marabella Ct	6.0	30	1	
1450 Bluebonnet Way	35.0	175	3	Two locations
Nordstrom Park Playground	28.0	140	3	On Murphy Ave, two across Mimosa Dr; one next to light pole 1391
2681 Barrett Ave	10.0	50	1	
2680 Barrett Ave	10.0	50	1	
2440 Fountain Oaks Dr	15.0	75	1	
2400 Fountain Oaks Dr	15.0	75	1	
17035 Peppertree Dr	15.0	75	1	
255 Jarvis	10.0	50	1	
18410 Butterfield Blvd	10.0	50	1	
303 Via Loma	50.0	250	2	3 Locations between 301-305 Via Loma
317 Via Loma	20.0	100	2	
307 Via Loma	20.0	100	1	
313-315 Via Loma	25.0	125	2	
17602 Lancia Dr	40.0	200		Pitted sidewalk
17603 Lancia Dr	20.0	100	1	Pitted sidewalk
17609 Lancia Dr	20.0	100		Pitted sidewalk
17615 Lancia Dr	20.0	100		Pitted sidewalk
17621 Lancia Dr	40.0	200		Pitted sidewalk
17627 Lancia Dr	25.0	125		Pitted sidewalk
17623 Bentley Dr	60.0	300		Pitted sidewalk
17622 Bentley Dr	70.0	350		ADA Access ramp and sidewalk
17640 Bentley Dr	12.0	60		Pitted sidewalk

17629 Bentley Dr	25.0	125			Pitted sidewalk
844 English Walnut Way	10.0	50			
17505 Grand Prix		0			
499 Rio Grand Ct.	10.0	50		1	Two locations
560 Diana Ave	10.0	50		1	
495 Diana	20.0	100			Curb and Gutter Pan
460 Corte Cabanil	25.0	125		2	Side of address on Calle Mazatan - two locations
30 E 3rd St #100		36			in front of Snowee
101 W Main	5.0	25			Side of Make it Mine; WO already in for tree removal
510 Alkire	15.0	75		1	
550 Diana Ave	5.0	25		1	
555 Landau Ct	10.0	50		1	
545 Landau Ct	35.0	175		1	
540 Landau Ct	30.0	150		1	
495 Corte Cabanil Ct	40.0	200		4	3 locations
17720 Calle Hermosa	10.0	50			
Corner of Del Monte and Villa Ciolino	30.0	150		3	Near driveway
16922 Del Monte Ave	15.0	75		1	
140 Ciolino Ave Apt 102	20.0	100		2	Two locations in front of 102 and 103
100 Ciolino Ave	10.0	50		1	
20 Ciolino Ave	10.0	50		1	
40 Ciolino Ave	10.0	50		1	Before creek
16918 Del Monte Ave	40.0	200		1	
16800 Del Monte Ave	25.0	125		2	Two locations
80 Ciolino Ave	5.0	25		1	Apt 101B
60 Ciolino Ave	20.0	100		2	Two locations
233 Spring Ave	25.0	125		3	4 locations
16810 Del Monte Ave	25.0	125		3	3 Locations
16830 Del Monte	20.0	100		1	
16840 Del Monte Ave	15.0	75		1	
285 W Main	20.0	100		2	2 Locations
16215 Keith Way	15.0	75		1	
16105 Monterey/E Edmundson	35.0	175		1	3 Locations
16000 Monterey Rd	10.0	50			Offset is on Tennant Ave

171 W Edmundson	30.0	150		2	In main CRC Parking Lot by charging stations - 2 locations 60 ft apart
15540 La Pala Ct	20.0	100		2	2 locations offsets on LaCrosse Dr
15890 La Prenda Ct / La Crosse Dr	20.0	100			Driveway apron
745/755 Encino Dr.	30.0	150		1	Curb and gutter
15340 Calle Enrique	25.0	125		2	Two locations
15410 Barcelona Ct	30.0	150		1	20ft of sidewalk; 10 feet of driveway apron
15505 Watsonville Rd / Well Station	35.0	175		2	Two locations
16225 Keith Way	35.0	175		1	
16226 Keith Way	5.0	25		1	
16220 Keith Way	10.0	50		2	Two Locations
Watsonville Rd btw Via Corfino/Excalibe	20.0	100		2	Two locations near light pole 2202 and 6016
15860 La Prenda Ct	25.0	125		1	Two locations
15575 La Honda Sur	15.0	75		1	Two Locations
TOTAL		8551			

RESOLUTION NO. 21-XXX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AMENDMENTS TO THE CITY'S FISCAL YEAR 2020/2021 ADOPTED BUDGET TO APPROPRIATE \$64,600 IN THE PUBLIC FACILITIES FUND (346) FOR THE 2021 SIDEWALK REPAIR PROJECT**

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, has adopted a two-year budget for Fiscal Years 2020/2021 and 2021/2022; and

WHEREAS, recommended amendments are needed and proposed to the City's previously adopted Two Year Budget for Fiscal Years 20/21 and 21/22 as set forth on Exhibit A to this Resolution, to incorporate requisite funds to accomplish the replacement of sidewalks throughout the City of Morgan Hill; and

WHEREAS, further reasons supporting the need for an adjustment in the adopted budget and supporting the entrance of the City into that certain agreement described in, and that are the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled, "AWARD 2021 SIDEWALK REPAIR PROJECT," submitted for City Council consideration at its meeting of May 19, 2021 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 the application 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 are categorically exempt from the provisions of the California Environmental Quality Act of 1970 per California Code of Regulations (CCR), Title 14, Section 15301, Existing Facilities; 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 Councils 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's previously adopted Two Year Budget for Fiscal Years 20/21 and 21/22, 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
- b. 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 Two Year Budget for Fiscal Years 20/21 and 21/22; and
- c. Section 3. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the May 19, 2021.

AYES: **COUNCIL MEMBERS:**
NOES: **COUNCIL MEMBERS:**
ABSTAIN: **COUNCIL MEMBERS:**
ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

∞ CERTIFICATION ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-XXX, adopted by the City Council at a regular meeting held on May 19, 2021.

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

DATE: _____

MICHELLE BIGELOW, City Clerk

AGENDA BUDGET SCORECARD

FISCAL YEAR 2020-21

ADJUSTMENT #

016

FUND:

DEPARTMENT:

OBJECT:

346	Public Facilities (Non AB1600)
8049	Public Facility/Non AB1600
86360	CONSTRUCTION

AGENDA DATE:

AGENDA ITEM TITLE:

05/19/21
2021 Sidewalk Repair Project

	07/01/20 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	06/30/21 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	389,161	611,297	330,590	669,868
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	-	-
RECOMMENDED ACTION		-	64,600	(64,600)
RESULT OF RECOMMENDED ACTION	<u>389,161</u>	<u>611,297</u>	<u>395,190</u>	<u>605,268</u>

Attachment: Budget Scorecard_016-2021 Sidewalk Repair Project Fund 346 (3077 : Award 2021 Sidewalk Repair Contract)



CITY COUNCIL STAFF REPORT

MEETING DATE: May 19, 2021

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

DOWNTOWN TRAFFIC CALMING AND MONTEREY ROAD LANE REDUCTION

RECOMMENDATION(S)

1. Receive report on traffic calming activities in the Downtown;
2. Direct staff to include the funding of \$50,000 for the engineering and design consultants to support the design of an Improved Lane Reduction Program and associated Place Branding Design for the Downtown in the mid cycle budget adjustments;
3. Direct City staff to form a working committee made up of Downtown and community representatives;
4. Direct City staff to formally discuss public private partnership opportunities with the Downtown Businesses to support the lane reduction and place branding efforts; and
5. Direct City staff to begin the application process for Transit Development Act Funds for the Lane Reduction Program.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Supporting Our Youth
Seniors
and Entire Community

2020-2021 Strategic Priorities

Economic Development

GUIDING DOCUMENTS

Bikeways
Trails
Parks
and Recreation Masterplan
Economic Blueprint
Morgan Hill 2035 General Plan
Vision Zero

POLICY CONSIDERATIONS:

While reviewing this report the City Council may wish to consider the following questions:

1. Should the City revisit the permanent implementation of the Monterey Road Complete Streets/Lane Reduction Program?
2. Should the City consider partnering with private businesses to fund components of the program relating to place branding?

REPORT NARRATIVE:

Since the onset of the COVID-19 pandemic, staff have been working to help businesses survive the impacts of the pandemic by implementing a business recovery plan that included a range of activities from providing information on health order regulations and financial assistance to developing a number of local programs like a Buy Local Campaign, Al Fresco Dining, and Sidewalk Saturdays—an outdoor retail market. As part of these business recovery efforts, over the last six months, staff have been holding monthly meetings with the Downtown restaurants solving for issues associated with outdoor tents, heaters, parklets, police and code enforcement activities. The businesses expressed concerns about the implications of doing outdoor dining next to the Monterey Road, citing concerns about safety for customers and their employees.

The pandemic has significantly impacted our local businesses and continues to change how businesses operate and how community members utilize businesses as well as our Downtown. The shift for the need to use outdoor spaces continues to grow from both a business and community gathering space perspective. The businesses requested the consideration of reducing Monterey Road to a single lane of traffic through the Downtown in an effort to slow down the traffic, reduce noise and improve safety. On March 17, in follow-up to these requests from businesses, the City Council formally requested City staff bring back for consideration an item to review traffic calming, including reducing Monterey Road to a single lane through Downtown.

The concept of traffic calming efforts in Downtown has been discussed and evaluated for over 20 years. The City's guiding documents support such endeavor; however, this topic has always been controversial in the community. COVID-19 has forced outdoor-living and communities throughout the nation are repurposing their streets to create more space for community to safely gather. The Downtown business community seems to be more unified behind a lane reduction effort than ever before. However, the feedback from the community at large continues to be heavily against the lane reduction due to fear of traffic congestion, loss of parking, and traffic impacts to other neighborhoods.

Given the location of Morgan Hill within the regional traffic network and continual growth to the north and south of the City, it unlikely that traffic conditions in South County will see significant change and unfortunately, Monterey Road will continue to be used as a regional connector. The 2015 Complete Streets Pilot Program showed that the time delay caused by the lane reduction was insignificant (less than one minute), yet the increase in the number of people biking and walking Downtown was significant. Staff strongly supports the traffic calming efforts with a lane reduction to improve safety and support business recovery. A recent Bloomberg article (Attachment 4) cited a yelp study that showed that cities with traffic calming had greater economic recovery. This economic recovery is not limited to a business or a district but community wide. Communities that are being responsive, innovative and pro-active to serve the needs of today and plan for tomorrow are going to recover faster. The future is outdoors. The pressure for outdoor dining will not go away even after indoor dining is 100 percent back. A lane reduction Downtown will provide a wide range of benefits for businesses

and the community; it will implement the City's long-term vision for Downtown and for Vision Zero and will prioritize people over cars.

Background

Downtown Vision

The City has several guiding documents that provide guidance for Downtown Development. These documents include the City's General Plan, the former Redevelopment Plan, the Downtown Specific Plan (DSP), the Parks, Trails & Bikeways Master Plan, the Tourism Strategy, and the Downtown Placemaking Investment Strategy. Some key recommendations for Downtown include:

- Slow traffic speed in order to make crossing easier and the district pedestrian friendly (DSP)
- Removal of speed bumps is recommended with road narrowing (DSP)
- Bike lanes or bike "sharrows" are encouraged (DSP)

The Downtown Placemaking Investment Strategy also suggests to "Make Downtown the most walkable, bike-friendly, urban, family-oriented, and transit-oriented neighborhood in Morgan Hill."

Downtown Placemaking Investment and 2015 Pilot Program

One of the initiatives of the Downtown Placemaking Investment Strategy was the Monterey Road Complete Streets Pilot Project. The intent of the Complete Streets Pilot Project was to slow down traffic and make the Downtown a more vibrant and inviting destination to shop, dine, and gather. Additionally, it was anticipated the project could improve safety for pedestrians and bicyclists visiting Downtown. To test these assumptions, the project was implemented, reducing the traffic lanes from two lanes in each direction to a single travel lane with a bicycle lane through the Downtown. The Complete Streets Pilot Project resulted in one of the most significant engagement efforts the City has ever made with significant community discussion on numerous aspects. The City received a significant amount of feedback both for and against instituting the lane configuration permanently. The engagement included a business vitality survey, resident exit survey, business exit survey and the formal observations made by the City's consultant. These comments are available in the weblink attached to this report.

On August 5, 2015, the results of the Pilot Project were presented to the City Council (Attachment 1 - Weblink). This included the presentation of the Project Performance Monitoring Report prepared by Alta Planning and Design consultants. Based on the positive results of the Report, City staff recommended that the Monterey Road Complete Streets improvements be implemented permanently. The results included several key findings:

- Number of people walking increased by 6%
- 54% increase in diversity among people riding bicycles (age, gender, race, and ethnicity)
- 614% increase in the number of youth riding bicycles
- 48% decrease in people riding bicycles on sidewalks

- Noise levels declined to a more comfortable level, as sound energy levels decreased
- An increase in parking occupancy occurred, and parking turnover rates increased
- People riding bikes nearly tripled, from 74 to 214
- Transit ridership increased by 3%
- Impact to public transit was an average of 29 seconds per trip
- Travel time reliability increased slightly
- The speed of traffic remained the same at 27 miles per hour
- Emergency response experienced little change
- A slight increase in collisions occurred
- 20% of traffic diverted to Butterfield Blvd were semi-trucks, pick-up trucks, vans, and other loud and large vehicles.
- AM Peak Hour travel time improved

Survey results from the project indicated 67% of residents surveyed were not in favor of the project and businesses surveyed were ultimately split on making the changes permanent. Ultimately, the City Council elected to return to the prior configuration of two travel lanes in each direction, while electing to make other improvements to the Downtown for increased safety. The Council noted that it would like the Project to be reviewed in the future upon completion of future congestion management projects, including the Hale Avenue Extension Project. In reflection of the 2015 Complete Streets Pilot Project, it is important to note that this exercise was conducted during a time of significant change in Downtown, including development of several Downtown sites, relocation of a couple of dozen businesses, and the parking garage had not been completed.

Downtown Safety and Traffic Calming Since 2015

Following the Pilot Project and the return of Monterey Road to the two-lane configuration, the City embarked on an effort to improve safety in the Downtown. Both large projects and small changes have been made to improve safety. These enhancements include:

- Fourth Street Signal - The addition of a traffic signal at Fourth Street and Monterey was intended to improve safety at the intersection for vehicles turning on and off Monterey, support safe crossing for pedestrians and slow the speed of traffic.
- Pedestrian Activated Lighting – In ground pedestrian added safety lighting has been installed at First Street, Third Street, and Fifth Street. This lighting supports safer crossing of the roadways in these locations.
- Reduced Lane Width - The vehicle travel lane widths on the roadway through downtown were reduced to support lower driving speeds.
- New/Improved Lighting – The City has installed new lighting at each intersection to allow for better visibility of pedestrians during evening hours.
- Signage – The City has installed signage at each intersection where no traffic signals are present to further identify potential pedestrian crossing for vehicles.

In addition to the recent changes, the Downtown streets include “bulb-outs” at each intersection which protect pedestrians by reducing the distance to cross the streets.

While the City continues to work on improving safety, there are now limited changes that can continue to be made within the current roadway configuration.

2020 Downtown Business Support Efforts and Temporary Installations

Currently, the City is supporting several temporary installations of parklets located in parking spaces and in a closed area on First Street. It is anticipated that following the pandemic the City will conclude this temporary program and businesses will ultimately need to develop semi-permanent parklets. As the temporary program concludes, the opportunity for the City to develop a consistent Downtown Place-Branding Program that guides the aesthetics of future parklets is important for the long-term development of the Downtown. Additionally, as part of the Business Recovery Efforts, the City will continue to support the Sidewalk Saturdays outdoor retail market and is in the process of creating a miniature golf installation on First Street and Monterey Road and is looking to implement outdoor movies in the summer. These efforts are intended to continue to create traffic generators to support community and businesses.

Recent Outreach to Businesses

After receiving direction from the City Council on March 17th, the City Staff began outreach efforts to engage Downtown Businesses on fully understanding the “why” behind the request for traffic calming and the lane reduction program. This outreach included meetings with the Downtown Association, the restaurant working group, property owners, the Chamber of Commerce, Visit Morgan Hill, and meetings with individuals and small groups (upon request). The City also initiated a survey for the Downtown (businesses, residents, property owners and users), for which the results are available in Attachment 2. The outreach to the Downtown culminated with a Monterey Road Visioning Summit on April 23, 2021. This event showcased case studies from the cities of Hollister and Willow Glen in San Jose as examples of other communities that have implemented traffic calming efforts. The Visioning Summit Video is available on the City’s website. Through this outreach City staff believe the “why” relating to the request for the Lane Reduction includes:

- Increased safety for residents and visitors using all modes of transportation
- Slowing the speed of traffic
- Create more space for community
- Increasing economic vitality
- Protecting our small Downtown from the regular cut-through traffic
- Repurposing space for people and businesses to thrive
- Reducing noise levels at the businesses and adjacent public space
- Increasing the distance of vehicles from residents and businesses

Based on the outreach to our businesses, staff believes there is a much higher number of Downtown businesses supporting the Lane Reduction today than in 2015. Very few businesses have come out directly opposed to the program and multiple businesses that opposed it in 2015 are now supportive of transforming a lane of traffic. It is anticipated these businesses will provide support letters directly to the Council for this item.

Recent Outreach to the Community

Upon understanding the “why” behind the business requests for the Lane Reduction Program, City staff began outreach to the entire community. This outreach has included many opportunities for residents to engage and express support, share concerns, and ask questions. This outreach included direct email blasts, social media postings via Nextdoor and Facebook, the Monterey Road visioning summit, a townhall meeting, and a community survey. Email responses and summaries of survey results are included as Attachment 2 or supplemented to this report. The Town Hall video is available on the City’s website.

The Survey

The survey was originally crafted to understand the priorities of the Downtown community. The questions were authored to ascertain what is working, what is not and identify the needs. Through the survey City staff tried to understand people’s experience of the 2015 Complete Streets Pilot Program with the intent to identify what did not work well so it could be improved on the next round. 104 people responded to the Downtown survey (Attachment 2) and the top priorities for those respondents were safety, accessibility for all modes of transportation, and beautification.

In an effort to also reach out to the broader community, staff released a very similar survey community-wide with the intention of not receiving a “vote”, rather hearing more about the priorities for Downtown streets and what treatments can be installed to improve their experience. However, after the survey was released, the City received considerable feedback making it clear that the survey was poorly framed and biased. Since the City received over 800 submissions on the first day, instead of restarting the survey, the City made adjustments to eliminate one question that had fixed answers on what the lane reduction could do and offered no opportunity to provide one’s own comments. At the time of writing this staff report, over 1,200 people had participated in the communitywide survey and initial survey results have shown significant dislike of a lane reduction in Downtown. It is important to note that the survey had several opportunities to provide opinions on the Lane Reduction Program. It is also important to note that this survey is not statistically valid and is one tool the City can use in evaluation of the needs of the Downtown. Results of the communitywide survey will be included as a supplemental item to this staff report.

Through the outreach the City has received mixed opinions on the Lane Reduction Program. Many residents expressed similar views to those provided by the Downtown businesses. There is significant concern and opposition to the program from many residents. The primary concerns from these residents, include:

- Increased traffic congestion
- Costs associated with the program
- The focus on the Downtown versus other areas of the community

These concerns are very similar to those expressed by the Community in 2015.

Morgan Hill Unified School District Comments

City Staff met with the representatives of the School District to discuss the potential lane

reduction program. District representatives noted that they would not be taking a position on the Lane Reduction Program, but expressed concerns based on their experience during the 2015 Pilot Program. The District runs 85% of their buses through the Downtown during morning commute hours and cannot currently reroute some buses that go to Britton Middle School and PA Walsh School. The District Staff expressed an interest in being consulted through any design process for the lane reduction program.

Changes to the Downtown and the Monterey Corridor

Since 2015, the City has seen significant changes in the Downtown, with increased residents living both in and near the Downtown. This increase in higher density housing is creating an opportunity for residents to walk and bike to and through the Downtown. The Downtown Parks have been tremendously impactful, providing opportunities for families and residents of all ages to come to Downtown for purposes other than retail or dining.

- It is understood that Monterey Road through the Downtown is just one segment for the Monterey Corridor and additional work must continue to occur to make the entire Corridor more bike and pedestrian friendly, but as the heart of the Corridor, repurposing one lane in each direction is critical to supporting this greater effort.

Traffic Congestion

It is understood that the Community is very concerned with traffic congestion associated with the Lane Reduction Program. It is also important to realize that other means of traffic calming, such as stop signs or speed bumps, could also increase this congestion at an even greater level. Monterey Road has a long history as a traffic corridor dating back to its original use as a State Highway. Over the last several decades the number of cars using Monterey Road has decreased significantly.

Year	Daily Traffic Count
1987	24,957
1991	24,641
1994	21,510
2000	25,340
2005	20,565
2010	17,633
2015	15,628
2020	~17,000

Data provided from City speed survey for years 1987 through 2015.

2020 data provided by Morgan Hill Police Department traffic counts.

Overall traffic in Morgan Hill continues to be impacted by regional overflow of those bypassing Highway 101. Through Monterey Road during commute hours, approximately 1 in 5 vehicles is driving through without stopping anywhere within the City. This data is based on the City's Cut-through traffic study (Attachment 3).

Although the Pilot Project is five years old, City staff does not believe that additional

data collection would be necessary to move forward with the lane reconfiguration/reduction decision. The City's General Plan Transportation Element provides the option for the existing or reduced configuration and the Pilot Project showed the changes in the traffic flow. It is also unknown at this time what type of long-term traffic impacts may result from COVID-19.

During the Pilot Program traffic counts demonstrated a decrease of vehicles using Monterey Road with the greatest increase on Butterfield Blvd. Both Peak Avenue and Dewitt Avenue did not show an increase in traffic volumes during the Pilot, which demonstrates the West side of the community was not a major alternative used to bypass Monterey. Depot street traffic counts also did not increase during the Pilot. The largest impact was on Wright Avenue, where it appears more traffic began using Wright versus Main Avenue to head West. Data relating to traffic counts is available within Attachment 2, specifically page 43 of the Pilot Project Performance Monitoring Report.

Staff believes that the construction of Hale Avenue will significantly reduce the number of vehicles using Monterey Road through the Downtown, based on the traffic studies associated with the project. Hale Avenue is under construction but is not estimated to be completed until 2023.

Traffic Calming and Pedestrian Safety Design Alternatives

The City Council has two alternative approaches it can take to support traffic calming and pedestrian safety in the downtown. The first option is to continue focusing on incremental specific improvements to specific elements and features to the Downtown. However, the City has done significant work over the last five years in this area. While more improvements can be identified most of the significant improvements have been made. Additional efforts could be to permanently increase policing and enforcement which currently is cost prohibitive.

The second option would be the holistic approach associated with a Lane Reduction Program. This option would be the most impactful in reaching the goals outlined from the business community. And this approach is most cost effective as it is solving the problem with engineering designs that improve safety and prevent accidents, consistent with the City's Vision Zero's goals.

Improved Lane Reduction Design Options

Should a lane reduction be implemented, the City staff recommend it be reviewed and upgraded based on the lessons learned in 2015, the recent lessons learned from other communities, and the input of the Downtown and the community. The City has not contracted with design professionals on an updated design or spent funds on design work to date, as that would occur following Council approval, however, City staff has spent considerable time discussing options with other cities, design professionals, and local community members with experience in this area.

An improved design would consider the following components outlined within this section.

Semi-permanent to Permanent

Construction of the project would be semi-permanent in nature to start and would gradually move towards permanent installations for the long term. This is important as the semi-permanent installations will be critical to promoting traffic and pedestrian safety and the consistency needed to improve traffic flow over the long term. A semi-permanent implementation would be different from the Pilot Project as permanent signage and traffic control devices would be installed in addition to roadway striping changes. The City would evaluate installations of curbs, delineators and other devices to support the improved Program. A semi-permanent installation would also utilize materials that are intended to last for at least 7-10 years.

People Lane not just a Bike Lane

While the bicycle lane was an element of the Pilot Project, the lane was not closed just for bicycles. In the Improved Lane Reduction Program, the eliminated traffic lane would be used to support people (bikes/pedestrians/businesses). It would provide space for people to utilize but will also provide separation for businesses and public spaces, traffic calming, and reduce noise by moving traffic farther from where the people are. The exact design for this would be developed through the design process.

Emergency Vehicle Response

Emergency response is a key consideration and one our community is concerned with. The Pilot showed no reduction in emergency response time and through the design process the City would work to continue to achieve that goal.

Parking on Monterey

Several comments from residents discussed the concern relating to Monterey Road. This concern would be included in the design process as opportunities to retain parking are available with an Improved Lane Reduction Program.

Efforts Outside the Downtown to Support Traffic Flow

Should the Lane Reduction Program move forward, City staff and consultants would develop a comprehensive plan to support the movement of traffic off Monterey Road and to Butterfield. This plan could potentially include signal timing, intersection changes, and increased temporary and permanent signage.

Integration of Place Branding into Lane Reduction

City Staff and Downtown Businesses believe that integrating the design of the Lane Reduction Program with a Place-Branding Program will be critical to the success of the Program in the Downtown. Development of the Place-Branding Program would include consistent design for parklets and features for the spaces located directly adjacent to the Lane Reduction on Monterey Road. This would include those areas that could be converted to permanent parklet space, spaces for community space and other consistent features through the downtown. Features such as trees, planters, and barriers would replace the existing temporary red k-rail located through the Downtown and act as beatification and branding enhancements.

The implementation of the Place Branding component could be phased and would

identify which components would be the responsibility of the City versus the components that may be taken on by Downtown business groups or individual businesses. Design consistency through the Downtown will be critical to the future success of the Downtown.

Funding Opportunities and Public Private Partnership

The cost to duplicate the previous Complete Street Improvement Designs is approximately \$50,000. However, it is estimated a semi-permanent installation designed to transition to a permanent installation could cost over \$200,000-\$400,000 to initiate. It is well documented that City General Fund resources are very limited, and the City staff have identified multiple funding options to support the effort that are outlined below.

Transit Development Act Funds

City staff have determined the project is eligible to receive approximately \$95,000. These funds can be used specifically to support projects that support bicycle improvements. Should the City Council direct staff to move forward with the Lane Reduction Program, City staff would begin the application process for these funds.

American Rescue Plan Act (ARPA) Funds

The City will be receiving approximately \$8.65 million in funding. This project, as a business recovery effort, would be eligible for these funds. It is recommended that should the City move forward with the Lane Reduction Program, that this funding source be used for the balance of the funding associated with this project. Staff is also recommending this funding source be used for the initial funding of Engineering and Design consulting work of approximately \$50,000. If Council decides to move forward, this amount would be part of the mid-cycle budget adjustments at the Council meeting on May 26, 2021.

Public Private Partnership Funding

Through conversations with various Downtown businesses, a group of businesses have presented the initial framework for potential private involvement in the program. It is recommended that this opportunity be further flushed out at the same time the design process is underway to define the specific role the group can play. However, City staff see significant opportunity here for the private sector to take on much of the place branding effort from both an improvement and ongoing maintenance perspective.

Recommended Actions

City staff are recommending that the City Council move forward with the first step in implementing the Lane Reduction Program and associated Place Branding effort. This first step would include funding for design professionals to support both the Engineering of the Lane Reduction and the development of a consistent design framework for the Place Branding effort.

Additionally, based on the significant feedback and comments from the Downtown Businesses and community, it is recommended the Council direct staff to form a working group to work specifically on this design and implementation with the City. This working group would include:

- Business representatives
- Residents in and outside of Downtown
- Design experts
- Community groups with vested interest in the Downtown

This first step will allow the City staff to bring back a design plan to Council that incorporates feedback from the working group and outlines specific costs for the project in even greater detail. It will also allow staff to bring back the public private partnership opportunity and further define the role that would play with the project.

The specific recommended actions include:

1. Receive report on traffic calming activities in the Downtown;
2. Direct staff to include the funding of \$50,000 for the engineering and design consultants to support the design of an Improved Lane Reduction Program and associated Place Branding Design for the Downtown;
3. Direct City staff to form a working committee made up of Downtown and community representatives;
4. Direct City staff to formally discuss public private partnership opportunities with the Downtown Businesses to support the lane reduction and place branding efforts; and
5. Direct City staff to begin the application process for Transit Development Act Funds for the Lane Reduction Program.

COMMUNITY ENGAGEMENT: Inform, Consult, Involve, and Collaborate

The City has embarked on a program of significant community engagement in relationship to this project as previously outlined in this report. This engagement has included involvement from the Downtown businesses in discussions on the public private partnership as well as the opportunity for the general community to be involved through the Town Hall and the community survey. Future work with a working group will create a collaborative opportunity to design the program. Through this process the City would continue to use all its appropriate media channels to continue engaging the Community.

ALTERNATIVE ACTIONS:

The City Council could choose to not to move forward with the Lane Reduction Program and Place-Branding Efforts. The Council could include additional direction on the Program or on any other direction it desires City staff to work towards related to traffic calming in the Downtown. This direction could include the implementation of additional location/site specific traffic calming efforts.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On June 3, 2020, the City Council provided direction on the Monterey Road Complete Streets/Lane Reduction Program and business use of Downtown spaces. The Council did not elect to move forward with the Complete Streets/Lane Reduction Program.

The Council previously acted on the Monterey Road Complete Streets/Lane Reduction Program on August 5, 2015. The City Council directed the re-establishment of two travel

lanes in each direction following the trial of the Program. The Council did request the item be revisited at a later date, should circumstances change. Prior to August 2015, the Council made several actions leading to the trial.

FISCAL AND RESOURCE IMPACT:

The fiscal impact of the first step in moving forward with the Lane Reduction Program would be the funding of \$50,000. This amount would be part of the mid-cycle budget adjustments to be presented at the City Council meeting on May 26, 2021. Future costs for the program may range from \$200,000-\$400,000 depending upon the ultimate project scope. The funding appropriation for future improvements would be presented to the Council after designs and cost estimates are established. Grant funding of approximately \$95,000 has been identified and it is recommended the remaining funds be allocated from ARPA Funds.

CEQA (California Environmental Quality Act): Project

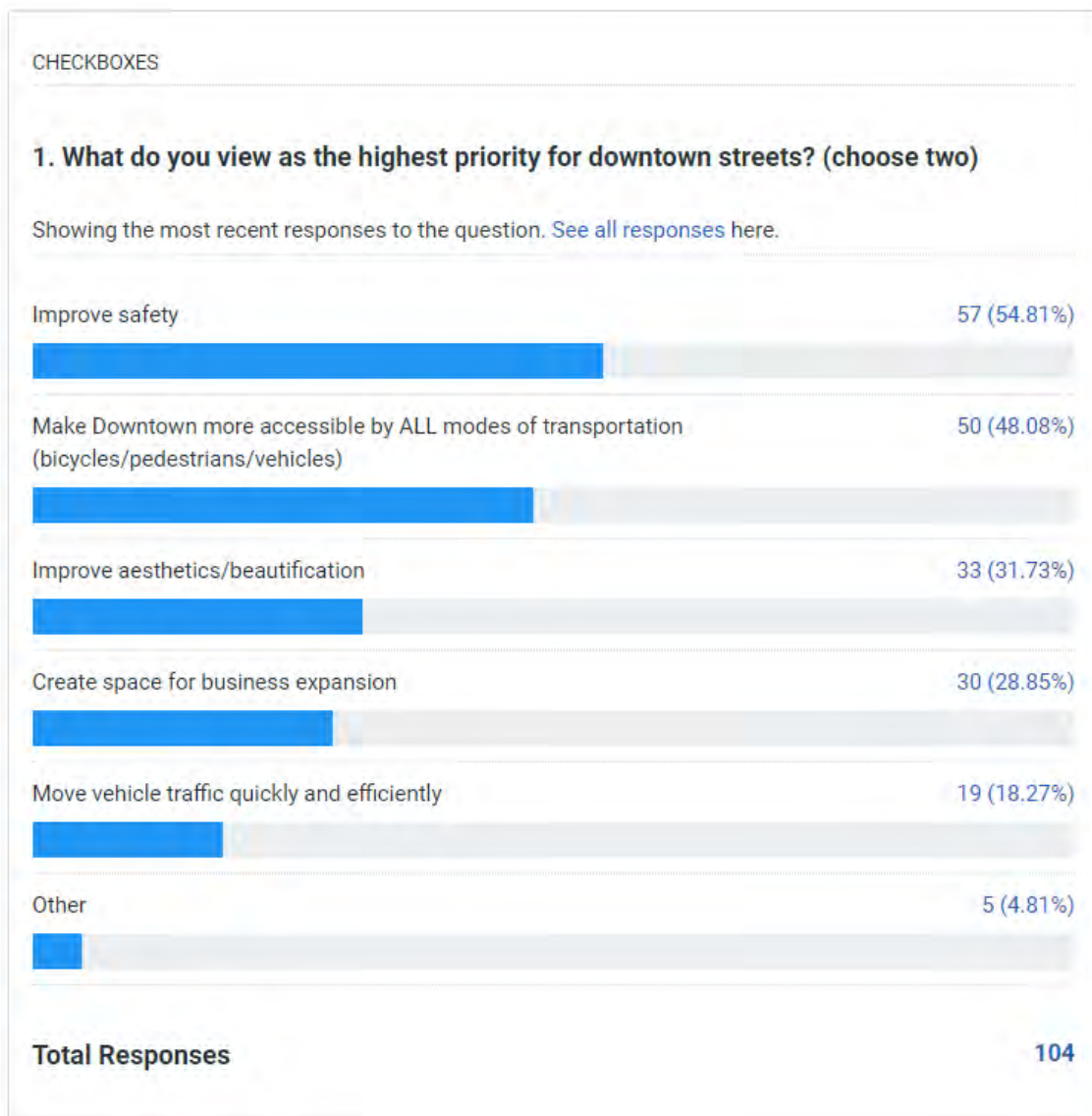
The Transportation Element of the General Plan provides the option for the City of Morgan Hill to narrow Monterey Road from its existing four lanes to a two-lane arterial through Downtown. The Master EIR for the Downtown Specific Plan and the EIR prepared for the 2010 Transportation Element Update contain information about impacts and traffic levels of service conditions under both scenarios.

LINKS/ATTACHMENTS:

1. August 5, 2015 Pilot Project Staff Report and related Documents (weblink)
2. Traffic Calming Survey - Downtown Results Summary
3. 2019 Cut Through Traffic Study (weblink)
4. Blomberg City Lab Article "Where Covid's Car-Free Streets Boosted Business" (weblink)
5. Comments from the community

Downtown Morgan Hill Traffic Calming Survey Results

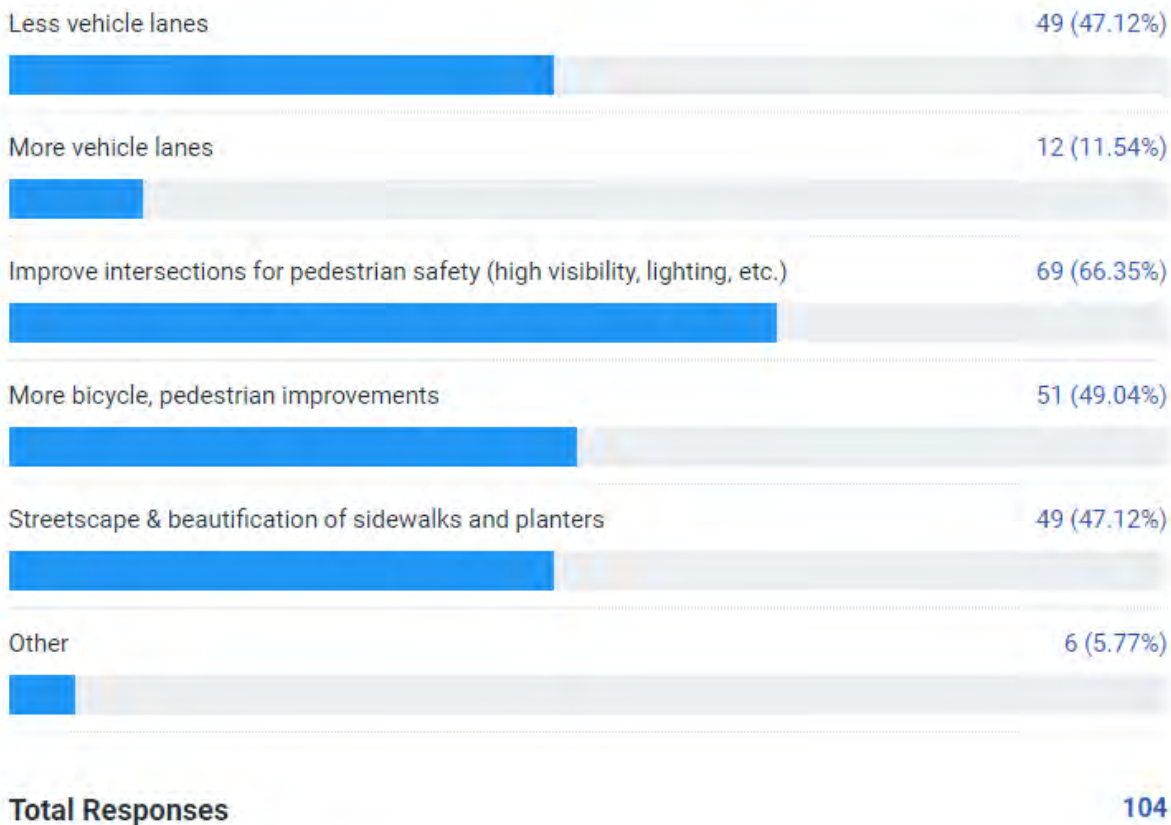
104 Responses



CHECKBOXES

2. How can downtown streets be improved? (check all that apply)

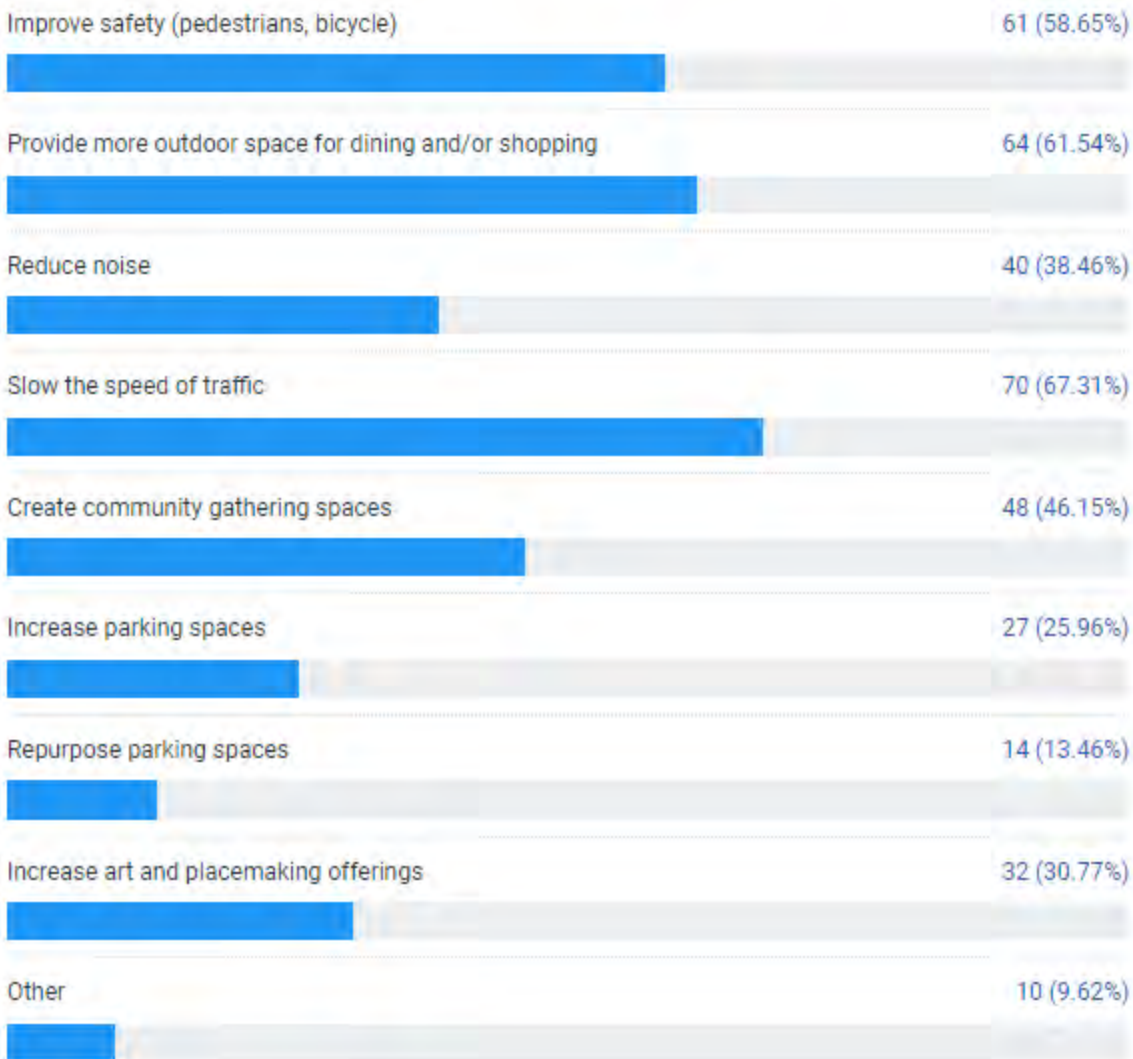
Showing the most recent responses to the question. [See all responses](#) here.



CHECKBOXES

3. How can the City help improve your experience specifically on Monterey Road in Downtown Morgan Hill? (check all that apply)

Showing the most recent responses to the question. [See all responses](#) here.



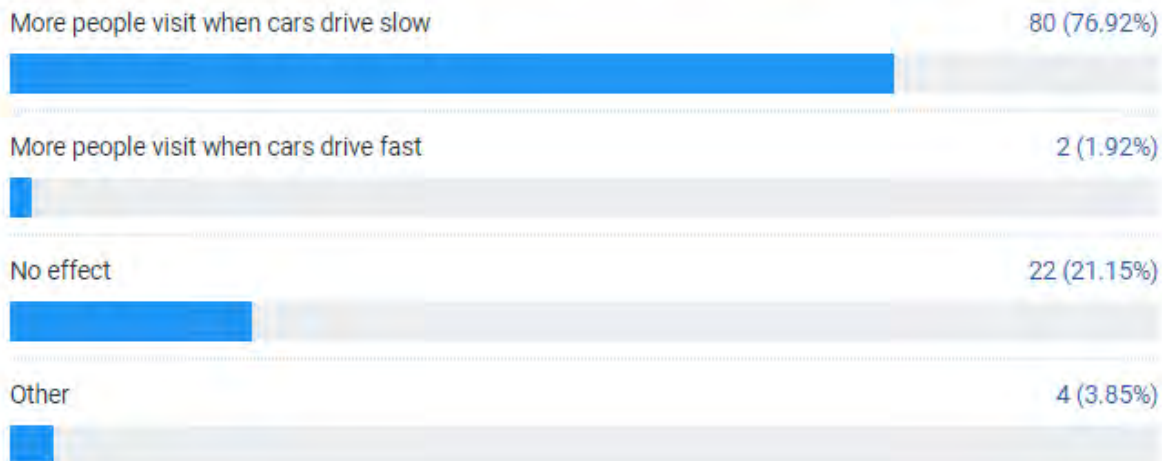
Total Responses

104

CHECKBOXES

4. In your opinion, do you think more people visit businesses when cars drive fast past them or when they have to drive slowly past a business?

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 104

MULTIPLE CHOICE

5. Do you think Downtown would be more walkable, quieter, and safer with less car lanes on the road?

Showing the most recent responses to the question. [See all responses](#) here.

**Total Responses****104**

MULTIPLE CHOICE

6. Did you experience the pilot Monterey Road lane reduction in 2015?

Showing the most recent responses to the question. [See all responses](#) here.

**Total Responses****104**

CHECKBOXES

9. Please tell us about yourself.

Showing the most recent responses to the question. [See all responses here.](#)

Downtown Resident 22 (21.15%)



Downtown Business Owner 23 (22.12%)



Downtown Commercial Property Owner 5 (4.81%)



Downtown Customer/Visitor 74 (71.15%)



Total Responses 104



May 5, 2021

Morgan Hill City Council
17575 Peak Ave
Morgan Hill, CA 95037

Morgan Hill Neighbors,

Life as we knew it before seems so distant and opaque in our rear-view mirror of 2021 that it is easy to focus on just trying to survive and overcome the near and present obstacles. We at Visit Morgan Hill know that to simply hope, or even expect, some return to normalcy without embracing positive and dynamic change will not accomplish the goals that our board has set forth. To improve Morgan Hill's tourism is to uplift our many businesses, organizations, and our valued residents to brighter times, and in turn our friends, families, and neighbors. The City's Economic Blueprint and Visit Morgan Hill's strategic plan are testament to the understanding of "tourism" as a sustainable, long-term driver for our city's future, and now in our current economic state, a potential lever for recovery.

When Visit Morgan Hill was formed with the purpose to be a catalyst for business/leisure overnight stays, we understood that increasing interest and demand for tourism in Morgan Hill would need to be multi-faceted, beyond hotels. Part of our strategy is to encourage and support the development of assets that create opportunities and reasons for people to visit Morgan Hill. Recently, we were excited to hear about a new Downtown Vision and Traffic Calming plan that could potentially help transform Morgan Hill into an even more vibrant and exciting point of interest in our community. These are steps that that numerous communities have capitalized upon to position themselves as trendsetters, showcase their downtown venues, and create a cohesive, marketable asset for the travel expected in 2021 as our state and county moves out of the pandemic. Locations like Campbell, Los Gatos, Willow Glen, and Hollister have already welcomed such changes, making them popular hot spots to locals and visitors. The safety, transportation, and placemaking improvements offered by these competitors could be a natural fit for Morgan Hill to implement to acquire increased visitation to businesses and similar success in destination recognition. It is time for us to make bold and immediate strides to create deserved advantages for our town and community through destination tourism. Re-imagining who we are as proposed in this new vision can unite all hospitality stakeholders and help lead us out of current hardships together, stronger, and ready to build back better than ever before.

As a board we are strongly encouraged by this prospect and look forward to seeing the feasibility reporting on this measure and the research our City Council, Downtown and Restaurant Associations put forward to the community to insure that collectively we are taking the right step together. We eagerly look forward to hearing more on this direction and joining in wholeheartedly to support this vision when all steps have been taken and voices heard.

Yours in dynamic growth and on behalf of the Visit Morgan Hill Board,

A handwritten signature in black ink, appearing to read "Michael D. Meredith", enclosed within a faint, light-colored oval border.

Chairperson
Michael D. Meredith

May 6, 2021

Lesley L. Miles, AIA, LEED AP
Resident-540 West Dunne Ave,
Morgan Hill, California 95037
Architect
President of Weston Miles Architects

Architect, Developer, Contractor and
Owner of The Granary on Depot

Mr. Mayor, Council Members and Community,

There are two things: there's the fantasy and there is reality, The fantasy is a beautiful drawing that we as architects call a rendering. The reality is often quite different.

I have always been a proponent of one lane downtown as an opportunity for traffic calming. However, as an architect, I know that we always need to do the research. As owner of the Granary with 17 tenants that as a group pays an average of \$48k per year in city sales tax and this past year over 2 1/2% of the overall sales tax in the City, I know that my most important design tennet in developing the Granary was how to provide a fun, interesting, sustainable, educational and financially viable place that everyone in the community and guests will enjoy. But, most importantly I also evaluate the downtown as a parent, grandparent and long-term resident who lives in walking distance to the downtown .

The pandemic provided a unique temporary opportunity to truly create lemonade from lemons as Frank Leal would call it. The bright red umbrellas and loud music create a hip space with full size olive trees and string lights. Attracting young and old it has been a very popular venue. How cool! But, sitting above the sidewalk, we realized that our table would be within the new building, the edge of the elevated foundation that we were leaning over to chat is the cornerstone of a 56' vertical wall and per the plans, the main entry and restaurant at the back of the building facing the private area for guest drop off.

In contrast, Opa did a great job of designing the restaurant exterior space, acknowledging Monterey and embracing it but always cognizant of safety. The open elevated seating for those three restaurants is what makes sense.



On the other hand, the Granada Hotel has no intimate face to the downtown street, an urban design it does have large windows onto the sidewalk but not the restaurant space or an opportunity to interact with the streetscene other than the bar. The final built design and the soon to be constructed art gallery are not designed for our community. Somehow the concept of art galleries and limos doesn't jive with grubby pawed grandchildren enjoying our downtown center which we have always viewed as the heart of our community.



Instead per my call with Frank Leal the new buildings are designed to lure wealthy tourists to come and visit and stay in our quaint downtown and visit the wineries or attend an event. That is the reality.

Given the lack of connection of the buildings to the street and the community it is hard to understand what the point of narrowing to one lane each way would get us other than more traffic on Depot and the neighborhoods.

So how do we address the other existing restaurants that don't have large existing outdoor patios? Some of these spaces have been restaurants for the past 38 years that I can remember...In general they are small restaurants and in the case of Rosy's, pivoted to have a fun space in the back in order to provide additional outdoor seating as well sidewalk seating. For those restaurants that don't have much seating outside how do we create a safe usable space within the public right of way?

I understand that the pandemic gave us this unique opportunity but is it a knee jerk reaction? How do we design and engineer the downtown for the ultimate build out? How do we decrease noise and improve safety?

Clearly there are some simple things that we can do- Morgan Hill in general has lots of cars and motorcycles that are way too noisy and are not within legal limits for sound transmission. Narrowing may decrease some noise- but if your intent is to decrease noise, one lane is not going to make it go away. We need to have a more clear noise ordinance and ensure that it is met.

I am on the fence, if we can add parking- maybe diagonal like Livermore, who have done an excellent job developing their very similar downtown, add a bike lane and small well designed parklets for the small existing restaurants that allow for access to drainage structures then I think it may make sense to reduce to one lane.

However, given the potential for a substantial increase in local housing, unclear reasoning for the scope and type of design, limited City coffers and the world still in flux after just emerging from an unprecedented pandemic clearly more research is needed,

If the decision is for additional study, I completely support that. I do not support any change without undergoing either completion and update of the process that was started in 2015 or a development of a new process with all stakeholders downtown engaged and an understanding of potential funding for the work.

Thank you,

Lesley L. Miles AIA LEED AP

From: [Brian](#)
To: [CityClerk](#)
Subject: Complete streets
Date: Wednesday, May 5, 2021 6:41:32 AM

Hi,

My family purchased our forever home here in Morgan Hill 6 years ago. We love riding our bikes downtown for meals and engaging with the community. It would make us so happy to know that there would be less traffic and a safer environment for all! We would spend a lot more money downtown at local businesses if the complete streets project was approved.

Thank you for your time.

Brian Gadus


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From: [Sarah Gadus](#)
To: [CityClerk](#)
Subject: Complete Streets
Date: Wednesday, May 5, 2021 9:46:52 AM

To Whom it May Concern,

I am writing in support of the Complete Streets project.

I moved here with my family in 2015 during the initial Complete Streets trial. I loved how pedestrian and bike friendly downtown was, and how enjoyable it was to go out to eat outside. Since then, MH has added many new and upscale restaurants, but the noise and peril of the traffic on the downtown stretch of Monterey make it unpleasant to eat outside. Morgan Hill has a strong car culture, which is beloved by many residents and of course there is a place for it- it would benefit all residents if that place was not in the same place pedestrians walking, bike, eat, shop and play.

If Complete Streets was enacted downtown my family and friends would spend a lot more time and money there.

Thank you!

Sarah Northrup

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From: [Tom Guinane](#)
To: [CC Public Comment](#)
Subject: Downtown Traffic Calming
Date: Thursday, May 13, 2021 10:06:07 AM

Can you please table any decision on downtown traffic calming until AFTER the Hale Avenue extension is completed and an analysis can be completed on the effect of adding that additional thoroughfare? Until we understand if that extension reduces traffic through downtown, we cannot make an informed decision about changing the number of lanes. Thank you!

--

Tom Guinane
Morgan Hill Resident

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From: Larry Breniman <[REDACTED]>

Date: May 4, 2021 at 6:20:20 PM PDT

To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>, Rene Spring <Rene.Spring@morganhill.ca.gov>, Ginoborgioli@morganhill.ca.gov, johnmckay@morganhill.ca.gov, yvonnemartinezbeltran@morganhill.ca.gov

Subject: Monterey Street closure to accommodate restaurants.

City council members, I am opposed to the closure of Monterey to accommodate the restaurants. Instead of Mr Leal using "his" architect to render the public his vision for downtown MH, he should concentrate on finishing his hotel which is an eyesore that looks like a bombed out shell you'd see in Kosovo or Kabul. Apparently he has run out of funds or his backers have pulled the plug. We hashed out the street reduction in 2015 and the council heard the citizens and abandoned the concept. I attended several of those meetings.

Mr. Leal seems to think he has been anointed to speak for MH. If there isn't an ordinance on the books about how long a commercial building can be "in construction," there should be.

Larry Breniman

Morgan Hill

From: Toni Tryforos [REDACTED] >

Subject: Downtown Traffic Calming

Dear City Council Members - Many members of the MH community have expressed over and over their dismay with the signal lane proposal. You tried it before and it failed. We feel you've already made the decision and the survey is just a means of going through the motion of engaging the community. And yes there are people that think it's a good idea. It seems like Frank Lear and other developers are the heavy influencers. When is his hotel going to be finished? I recently heard he purchased a property in town that will be displaying several small owners!

I personally live off Cochran and Butterfield and it's frustrating hearing that traffic can be diverted to Butterfield! With the new shopping center going in and construction coming to the parcels on Butterfield and Jarvis that will be additional congestion. It's very disturbing that land is being marketed for industrial and warehouse space. That means big trucks and encouraging more heavy traffic. Voters were against the Shoe Palace monstrosity that looks hideous as you drive by 101.

We don't need to clog our open spaces with concrete boxes that will sit empty for years. We need more parks and open spaces for families to enjoy and more kid friendly activity places.

Sorry for the rant but MH is starting to lose it's charm and becoming too clutter with shopping centers and ugly structures. I moved away from that and hate seeing what is following me.

Regards,
Toni Tryforos

From: [Jen Smith](#)
To: [CC Public Comment](#)
Subject: Lane Reduction Downtown
Date: Tuesday, May 11, 2021 6:01:35 PM

To Whom It May Concern,

I submitted the survey regarding this issue and also wanted to email as well. I urge all the decision makers involved in this subject to research the epic failure that the “road diet” was for businesses and in general in downtown Willow Glen. They also went down to one lane, and I lived in downtown Willow Glen at the time. Traffic was a nightmare getting down the street, so people avoided Lincoln Avenue and went speeding down the side streets to get around it.

If you Google road diet willow glen you will see terrible feedback.

Here’s one:

<https://www.google.com/amp/s/katysblog.wordpress.com/2016/05/19/willow-glen-road-diet-failure/amp/>

Here’s a study stating traffic volume actually dropped after the road diet, not good for business, and not good for those that live close to there:

<https://transweb.sjsu.edu/sites/default/files/1629-road-diet-evaluation-design-lessons-learned-from-san-jose-lincoln-ave.pdf>

I moved to Morgan Hill when the road diet implemented because it was clear the city council didn’t listen to the community anymore. It was the last straw. Or just didn’t care. It made it impossible to visit there let alone live.

I’m a giant NO for the one lane idea.

Jennifer Smith

Sent from my iPhone

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From: [Nettie Letts](#)
To: [CC Public Comment](#)
Subject: Monterey Rd survey
Date: Wednesday, May 12, 2021 3:44:33 AM

Just the fact that your corrective memo about #9 only lists ways to slow traffic, provide safety and help businesses doesn't even mention traffic problems caused by reducing the number of lanes shows how biased the survey and people pushing to reduce lanes are!

Morgan Hill is a city of people, not just a downtown. What about the non-downtown businesses? They also would appreciate the support from the city of MH. The residents of MH would also like the respect of MH city officials to recognize that Monterey Rd. runs through the entire city, not just 5 blocks downtown. It is our only through street other than Hwy 101 and Butterfield.

When will the 60 room "hotel" with no parking be finished? Where is the parking for the north end of "Downtown"?

There are not enough parking spaces for all of the townhomes and attached homes in the city as it is. Look at the number of housing developments that have overtaken nearby streets and even the bus parking lot on Butterfield because there is no room for their cars.

No matter what MH city officials and downtown restaurants want, cars aren't going away!

Annette Letts
 40 year resident of MH

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From: [Jennifer Correia](#)
To: [CC Public Comment](#)
Subject: Monterey Road & Downtown traffic
Date: Tuesday, May 11, 2021 5:10:37 PM

Thanks for the opportunity to speak up.

The charm of downtown Morgan Hill is better than most. The landscaping down the middle and all the lighting makes a HUGE difference in the ambiance, and of course the quality restaurants, polite and friendly people makes Morgan Hill standout. My husband and I made Morgan Hill our home 11 years ago, and it is one of the best decisions we have ever made. Although I live in Morgan Hill, I have worked for the City of Campbell for the past 15 years. I love Campbell, I lived in Campbell for 24 years before moving to Morgan Hill, and as much work as they have done to turn its downtown into a hotspot, it does not hold a candle to Morgan Hill.

Although I took the survey, I want to express my ideas further, since there was not an opportunity to in the survey:

- The two lanes of traffic on either side of Monterey road is a must. The *majority* of drivers drive the speed limit, are conscientious, and stop for pedestrian traffic. Downtown Monterey road is also a free marketing venue for our restaurants and stores! People drive slowly through downtown because they are people watching, admiring how beautiful our downtown is, and checking out all the amazing places to dine. Don't choke out free marketing!
- If you funnel this marketing opportunity down to one lane, people will lose their patience, and not bother. Honestly, when the one-lane experiment happened a few years back, it was a pain and a big turn-off. My husband and I dined less, and skipped Monterey altogether. My understanding is that the experiment was to encourage cyclists to ride through downtown! No thank you - that was a bust. First of all, many cyclists can be arrogant and rude. They don't stop for pedestrians, they don't ride like traffic laws apply to them. I know, I drive Hale to work, and in addition, there have been many bike races planned through my neighborhood. Cyclists have plenty of back roads to speed through - we don't need them riding through downtown in mass quantities -nor do they want to.
- If restaurants want expanded outdoor seating - which I think would be cool, what about the side streets? That is much more conducive to getting people out to walk! Take a look at Europe, and learn from the best! They are all about outdoor dining! Close some side streets, add string lights & awnings, add touches of landscape, more trees, and water features. Bring in local street musicians. Make leasing affordable enough to bring in cute exclusive "Morgan Hill" shops that feature t-shirts, aprons, garden hats, and other items that promote Morgan Hill. How about a kitchen store, a bakery, and flower shops! When people are done eating, give them a reason to linger in charming downtown Morgan Hill! That type of thing will draw the people, the money, and cause our local businesses to thrive.
- Finally, build more parking structures to support all the dining, We do not need to shut down our lovely thoroughfare through downtown. I feel that would be a big mistake.

Sincerely,
 Jennifer Correia

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From: [Le Shek](#)
To: [CC Public Comment](#)
Subject: Monterey Road/Complete Streets Downtown Traffic Calming Communitywide Survey Update
Date: Tuesday, May 11, 2021 5:51:35 PM

Monterey reduced to one line complemented / supported by Hale extension to support traffic is a very good solution, imho.

Le Shek

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From: [LORI LOBUE](#)
To: [PIO](#)
Subject: Re: CLARIFICATION: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 4:50:30 PM

WE NEED PARKING DOWNTOWN ON MONTEREY ROAD

Sent from my iPhone

On May 6, 2021, at 4:13 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:



**Monterey Road/Complete Streets
Downtown Traffic Calming
Town Hall Meeting
Tonight, May 6, 2021, at 5:30 pm**

Attachment: Comments from the community (3089 : Downtown Traffic Calming and Monterey Road Lane Reduction)



Hello Morgan Hill Community,

We want to hear from you! We invite you to join us for our Community Town Hall meeting tonight, Thursday, May 6th, at 5:30 pm, where City staff will share information gathered from the April 23rd Visioning Summit and the safety benefits that could result from reconfiguring Monterey Road and repurposing space for businesses and people to thrive, gather, connect, and improve economic vitality. You can watch the Visioning Summit video at <https://bit.ly/DowntownVisioningSummit>.

You can participate in tonight's virtual meeting at <https://bit.ly/Communitytownhall> or calling in to (669) 900-9128 and enter the webinar id: 828 0731 9295#.

CLARIFICATION:

Following tonight's Community Town Hall meeting, **at the City Council Meeting on Wednesday, May 19th at 7:00 pm**, staff will present options to

the City Council and community on how we can achieve traffic calming through Downtown and strategies to create a more walkable, accessible, safe, and inviting downtown.

Those members of the community that would like to participate in this meeting may do so by joining the virtual meeting at <https://bit.ly/MHCityCouncilMeeting> or calling in to (669) 900-9128, then enter the webinar id: 873 3200 8380#.

We hope you will join us for these important community conversations.

City of Morgan Hill | www.morganhill.ca.gov

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [ian_vansinderen](#)
To: [PIO](#)
Subject: Re: CLARIFICATION: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 4:19:20 PM

Please no! How many times do we need to reject these proposals for downtime just to have City Council bring it up again a few years later.

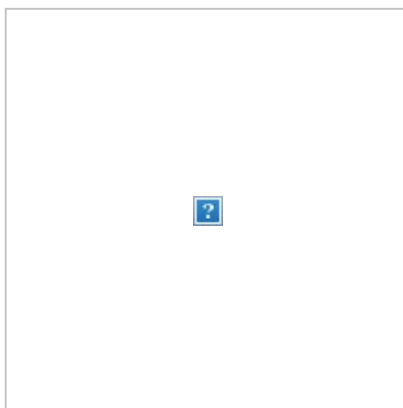
We like Monterey through downtown just the way it is.

Thank you,

Ian Van Sinderen



On May 6, 2021, at 4:13 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:



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From: [.Sandy Martin.](#)
To: [PIO](#)
Subject: Re: REMINDER: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 1:22:32 PM

PLEASE don't make downtown one lane--- it makes it impossible for us to stop and have dinner at one of your yummy restaurants when we travel from work in San Jose to Gilroy.

On Thu, May 6, 2021, 1:11 PM City of Morgan Hill <pio@morganhill.ca.gov> wrote:



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Downtown Traffic Calming
Town Hall Meeting
Tonight, May 6, 2021, at 5:30 pm**

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We hope you will join us for these important community conversations.

City of Morgan Hill | www.morganhill.ca.gov

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [civilite](#)
To: [PIO](#)
Subject: RE: REMINDER: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm
Date: Thursday, May 6, 2021 3:27:08 PM

Hello.

I have a conflict tonight and cannot attend.

However I do have a note regarding the recommendation on reconfiguring:

I support the reduction in capacity of traffic volume ONLY after it has been addressed by alternate connectivity of LOCAL traffic through parallel route.

Meaning once santa teresa/ hale is completed through Morgan Hill

And

The Butterfield extension to Monterey road on the north end of Morgan hill.

Thank you for your time.

Regards,

Paul Pascoal

Sent from my Verizon, Samsung Galaxy smartphone

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

From: City of Morgan Hill <pio@morganhill.ca.gov>

Date: 5/6/21 1:03 PM (GMT-08:00)

To: civilite@aol.com

Subject: REMINDER: Monterey Road/Complete Street Town Hall Meeting tonight, Thursday, May 6, 2021 at 5:30 pm



Monterey Road/Complete Streets Downtown Traffic Calming Town Hall Meeting

Tonight, May 6, 2021, at 5:30 pm



Hello Morgan Hill Community,

We want to hear from you! We invite you to join us for our Community Town Hall meeting tonight, Thursday, May 6th, at 5:30 pm, where City staff will share information gathered from the April 23rd Visioning Summit and the safety benefits that could result from reconfiguring Monterey Road and repurposing

space for businesses and people to thrive, gather, connect, and improve economic vitality. You can watch the Visioning Summit video at <https://bit.ly/DowntownVisioningSummit>.

You can participate in tonight's virtual meeting at <https://bit.ly/Communitytownhall> or calling in to (669) 900-9128 and enter the webinar id: 828 0731 9295#.

Following tonight's Community Town Hall meeting, staff will present options to the City Council and community on how we can achieve traffic calming through Downtown and strategies to create a more walkable, accessible, safe, and inviting downtown.

Those members of the community that would like to participate in this meeting may do so by joining the virtual meeting at <https://bit.ly/MHCityCouncilMeeting> or calling in to (669) 900-9128, then enter the webinar id: 873 3200 8380#.

We hope you will join us for these important community conversations.

City of Morgan Hill | www.morganhill.ca.gov

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [David Shelton](#)
To: [CityClerk](#)
Subject: Street Plan
Date: Wednesday, May 5, 2021 7:12:18 AM

Good Morning, As a business owner in Morgan Hill and a former resident of downtown I am writing in favor of the plan. I had the pleasure of living in down town for three years, but was always shocked by how fast cars were traveling down Monterey. There were times we would be IN the crosswalk and count 5+ cars before someone would even slow down. Please put Morgan Hill livability ahead of people who chose to live south of Morgan Hills commute time..

Thanks

David Shelton

John S Shelton Company

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From: [Alan Johnson](#)
To: [CC Public Comment](#)
Subject: Survey
Date: Tuesday, May 11, 2021 6:41:52 PM

Hello,

My family lives in Morgan Hill. We have lived here for twelve years. So we have some experience watching the changes to the city.

I feel the Visioning for Monterey Road is not well thought out and is significantly biased. The survey supports the bias. If a survey is not going to be done correctly the value of the survey is void. You should neither use the data from it, nor the architectural drawings from a developer with a self interest in a single lane approach.

The city has already done one test with single lanes and it was not a roaring success. Why is this being discussed again?

Having two lanes of traffic through town with lots of traffic is worse than one lane with lots of traffic. But, who wants to sit out in the street at a table with bumper to bumper cars with exhaust coming towards your table, engine noises, radios and motorcycles. It is not and will not be an enjoyable sitting regardless of what developers indicate.

Given the age of the city, the buildings are too close together from East to West. The exhaust and noise is trapped in the valley between the hard surfaces of the buildings. Either two lanes or one lane will not change this physical architecture. Why wasn't any studies done on the impact of noise and pollution as part of the fundamental issues of the downtown thoroughfare?

Related to the buildings, between the number of empty/closed stores, turn over in some stores, there isn't a lot to drive us to down town where you want to spend a lot of time. You drive to eat and leave because there really isn't any big draws to keep you there (other than the food truck nights which was a big success for drawing people).

So there is very little use of someone whining about the existing situation and up coming situation of single lane in each direction because I sincerely doubt my email is going to stop it. But, in an effort to provide another solution rather than whining is this...

If you want to make Morgan Hill Downtown a cool place to go to draw more and better merchants similar to Los Gatos (you need some majors), help to move Cinelux? Finally the big finale -- close Monterey Road downtown in it's entirety. No cars, trucks or buses. Only allow bicycles or foot traffic. Reroute Monterey to Butterfield and around. Do the study to see what will it take (\$ and time) to really make a difference. Even Los Gatos or Saratoga won't or can't do this.

It takes patience and long term, maybe really long term thinking to accomplish something big like closing Monterey Road downtown, but difference between two lanes down to one lane with the same set of issues really isn't anything different. It is just expedient.

My apologies, if I was too coarse.

Sincerely,

Alan Johnson

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From: [Jody McRoberts](#)
To: [CC Public Comment](#)
Subject: Traffic Calming on Monterey Road in Downtown
Date: Wednesday, May 12, 2021 3:38:39 PM

Hello City Councilmembers,

I am writing to you regarding traffic calming on Monterey Road in downtown Morgan Hill. In general, I approve of reducing the traffic to one lane each way. But before that would take place, please consider the following two points.

- Please consider waiting to reduce traffic to one lane each way until after the Hale extension is completed. This will definitely help with relieving traffic downtown.
- Please study how the reduction of traffic through downtown will affect the side streets and neighborhoods surrounding downtown, especially to the west of downtown.

Thank you,

Jody McRoberts

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From: [hayseed1975](#)
To: [CC Public Comment](#)
Subject: traffic survey
Date: Wednesday, May 12, 2021 1:36:06 AM
Attachments: [Screenshot_20210426-215845_Facebook.jpg](#)

In regards to choking Monterey Rd, one more 'hell no' vote please.

I live on Hale, north of Tilton. In recent years traffic has become a noise nuisance and badly backed up on Hale.

That's Morgan Hill city's traffic, traveling to and from town.

Restricting city streets just diverts traffic out to rural and residential areas. We don't want your overflow here. Get off my lawn!

Thanks for all your diligent work.

Dave Walton

P.S. Attached is a picture that may actually be me as commute traffic wakes me four times a day.

Sent from my Metro By T-Mobile 4G LTE Android Device

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From: Art Kilinski <[REDACTED]>
Sent: Tuesday, May 11, 2021 4:05 PM
To: CC Public Comment <CCPublicComment@morganhill.ca.gov>
Subject: Downtown lane closure survey

Hello.

If this survey is not statistically significant, why even do it? It's written in leading language and it's obvious that you guys want the closures to happen.

Either create an unbiased survey or be honest that you're not listening to the public.

You already allowed giant warehouses to be built. You're filling up every inch of land with new homes and telling current homeowners to not use water.

It's obvious you don't care and someone is getting paid a lot of money to make these irrational decisions.

Why not just tell everyone to [REDACTED] off while you're at it. The way these projects are being run is an embarrassment and shows cowardly leadership.



CITY COUNCIL STAFF REPORT

MEETING DATE: May 19, 2021

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

USE OF GLYPHOSATE IN CITY MAINTENANCE ACTIVITIES

RECOMMENDATION(S)

1. Receive report on herbicide/Glyphosate use in City parks; and
2. Provide staff with direction on future use of herbicides/Glyphosate by the City.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Protecting the Environment and Preserving
Open Space and Agricultural Land
Maintaining Infrastructure

POLICY CONSIDERATIONS:

Community interest on the use and elimination of Glyphosate for City weed abatement and maintenance led to the Council directing staff to begin a trial to eliminate Glyphosate use in Parks. That trial work is now complete, and this report is intended to provide the Council with the results. The results of the trial have demonstrated that maintenance levels have dropped and the required resources to maintain weeds has increased. The Council should consider the impacts to City operations should the Council wish to continue not allowing the use of Glyphosate for park maintenance and/or extending the elimination of use of it in city owned right of ways, medians, and utility access roads.

REPORT NARRATIVE:

Leading up to the Council's initial discussion on Glyphosate use, numerous residents had reached out to City representatives regarding the use of herbicides on City property. Most of the requests from residents were specific to eliminating the use of the herbicide Glyphosate. Multiple City Council Members had requested City staff review alternatives for the reduction in herbicide use. At that time, the City Council provided the City staff the direction to eliminate the use in City Parks and begin a trial on using alternative methods to maintain parks.

The City of Morgan Hill, through its own employees and landscape contractors, uses a variety of means to control weeds in various City owned locations. These locations include parks, medians, utility dirt access roads, and right of way (ROW) areas adjacent to streets where typically no sidewalk is present. This maintenance occurs for both aesthetic, safe accessibility, and fire protection reasons. Herbicide has long been a major component of weed abatement and Glyphosate has been the most common

herbicide used because of its effectiveness. In the case of the ROW maintenance, the work is done completely for fire protection purposes and the weed abatement is performed almost completely by the spraying of Glyphosate.

Glyphosate is distributed commercially under the product name Roundup. Glyphosate was introduced commercially in 1974 and is now used in more than 160 countries. In early 2017, the California Environmental Protection Agency (CalEPA) placed glyphosate on a list of potentially harmful chemicals. The list is in accordance with State law enacted by California voters in 1986 (Proposition 65) that mandates notification and labeling of all products which the State of California has determined to potentially add to a person's cancer risk, may cause harm to unborn children or other reproductive harm. The CalEPA list does not ban the use of chemicals but does require clear and reasonable warnings for exposures to chemicals on the State's list under certain circumstances. The list itself includes over 1,000 chemicals, including things such as medications, alcoholic beverages, gasoline, etc.

Roundup is currently approved for use in the United States through the Environmental Protection Agency and California through the Department of Pesticide Regulation (DPR). Pesticides are currently categorized into three classifications, Caution (least toxic), Warning, and Danger (most toxic). Glyphosate has a Caution classification. The largest use of Glyphosate is in agriculture due to its use in on genetically altered crops designed to tolerate Glyphosate.

Background on City Use of Herbicides/Glyphosate

Use of herbicides within the City is managed through the Community Services Maintenance Division. The Division had utilized Glyphosate and other herbicides 1-3 times per year in park areas and the City ROW. The number of applications depends on the weather and needs of the specific area, which can cause a need to reapply. For the use of herbicides, the City is regulated by the County Department of Agriculture and the DPR. The City files reports on all use to both organizations. The City follows all federal, state and county guidelines and regulations when spraying. Use occurs both by City staff and maintenance contractors.

Over the last several years, the City has been updating its approach to herbicide use on an ongoing basis to ensure safety of staff and the public. Updates include:

- The City staff follow all guidelines and regulations, utilize all personal protective equipment, and follow all procedures outlined for each specific herbicide. Staff stay trained, up to date, and implement all new requirements immediately.
- Six years ago, the City began requiring the posting of herbicide use 72 hours prior to utilizing herbicides in any City parks or in areas near schools. Signs are removed no less than 24 hours following the application. This is not a requirement, but City staff felt it important and began implementing.
- The City does not use herbicides in or near waterways, except for organic herbicides approved specifically for this use.
- The City recently implemented a pilot program at Paradise Park eliminating the use of herbicides completely. This park was intended as a trial site to assess the possibility and costs related to eliminating the use of Glyphosate and other

herbicides in the future. The trial completed its second year this summer. In conjunction with the trial, the City has also tested two new organic alternative products to Glyphosate.

- All crews that apply pesticides are overseen by a maintenance worker on site with a valid California Pesticide Qualified Applicators Certificate (QAC), and all pesticide mixing is performed by a crew member properly trained and in possession of a valid QAC. We also assure no one is in the area of coverage while spraying which at times causes staff to wait for areas to be clear. Staff remain present until areas are safe to enter once the application is dry (as per the labels and training).
- Beginning in the Fall of 2019 Glyphosate was no longer used in park spaces, but continued to be used in City ROW and on Utility System Access Roads.

It is important to note that weed abatement is not just for aesthetics, and maintenance of the City ROW is intended for fire safety. Ensuring weeds do not reach the roadway edges is important to fire prevention. To this point should the City Council determine it would like to eliminate the use of Glyphosate in City ROW, just lowering the level of service would not be recommended.

Glyphosate Free Park Trial

Since the Fall of 2019 Glyphosate has not been used in our park spaces and a trial of alternative natural herbicides has taken place. The testing of these alternatives occurred in both the Spring of 2020 and 2021. The alternative herbicides included:

- Weed Zap – Active ingredients include Clove and Cinnamon Oil
- Avenger – Active ingredients include D-limonene (Citrus Oil)
- Weed Rot – Active ingredients include Citric Acid, Sodium Lauryl Sulfate (derived from Palm Kernel Oil)
- Mirimiche Green Pro – Ammonium Nonanoate (similar to soap salts)

Unfortunately, the effectiveness for all alternative herbicides was extremely limited. For some there was zero effectiveness in killing weeds, resulting in slightly changing the weed color, but not even stopping growth. In the best cases, a limited amount of weed growth was slowed, but those weeds were not killed in entirety and began to regrow. City staff has continued to discuss alternative control methods with other agencies and reports from other agencies are that the alternative natural herbicides are ineffective.

Since the alternative herbicides proved ineffective, City staff were forced to control weeds with repeat mowing. Since this mowing is in areas next to trails and mulch areas in parks, the height of the mowing is considerably higher leaving many of the weeds to regrow quickly and require repeat mowing. This has left parks with tall weeds for much of the early part of the year, since the City has not had the resources to mow these areas regularly.

The following are a list of the impacts and comments related to the trial.

1. Increased weeds in all park areas.
 - The amount of weeds increased year over year and it is anticipated the

amount of weeds will continue to increase as weeds are more likely to reach a stage to leave seeds.

- Decomposed granite paths and ball field infields are nearly impossible to maintain in the spring without herbicides or bi-weekly manual removal.

2. Resident Comments Over Trial Period

- Comments on herbicide use in Parks have been eliminated completely.
- The City has received three complaints on the use of herbicides to keep utility site access roads clear.
- The City has received regular complaints on weeds in parks not being addressed.
- Fox Tails are a major concern for pet owners with the weeds next to parks and trails. Some pet owners have expressed frustration with the increased number of weeds and elimination of use of Glyphosate.

3. Staffing and Financial Considerations

- City resources are not sufficient to maintain our parks using alternative methods.
- An additional mower was rented to deal with the weed issue in City Parks. The ongoing rental cost is estimated at \$3,000 to \$5,500 annually for the rental or alternatively \$14,000 for purchase.
- Staff hours needed for mowing weeds in City Parks totals 414 hours annually.
- Staff are recommending that alternative herbicides no longer be used in parks as they are ineffective and an inefficient use of staff resources.
- A comprehensive annual mulch installation program may be the most effective way to significantly reduce weeds. If performed by contract, it is estimated at \$250,000 annually for the City Parks. City staff will attempt to implement a program using arbor mulch, volunteers, and paid staff as an alternative, but the likelihood of success without increased paid full-time staff is unknown.
- Levels of service for Assessment District Parks (which are primarily funded by contracts) will increase significantly when next put out for bid, which will result in future complaints to the Council for increased assessments or decreased levels of service.

Next Steps

City staff are planning to continue to move forward without using Glyphosate in City Parks unless provided alternative direction by the Council. At minimum, should the City continue to move forward without Glyphosate in Parks, the purchase of the new mower to reduce the ongoing cost of renting will be recommended. Additional funding resources are desperately needed to support Park Maintenance and to ensure service levels are not declining year over year. However, it is understood there are significant other unfunded General Fund needs and City staff will continue to try and identify ways to support improved maintenance with lower resources, while focusing on safety in our parks.

COMMUNITY ENGAGEMENT: Inform/Consult

City staff have been in communication with multiple members of the public on this issue. This report summarizes the information on the City's use of herbicides and provides for the City's future planning.

ALTERNATIVE ACTIONS:

It is anticipated the City Council may provide further direction to staff on the use of herbicides and Glyphosate in parks. Based on this direction City staff will outline alternatives for increased funding for maintenance and/or reductions in service levels. The Council could also provide direction to begin allowing the use of Glyphosate again.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The Council last discussed this item on September 19, 2019 and provided direction for the City staff to begin eliminating the use Glyphosate in parks immediately. The Parks and Recreation Commission is scheduled to review this topic at its May 18 meeting. Any recommendations from the Commission will be provided to the Council as a supplemental item.

FISCAL AND RESOURCE IMPACT:

There is no fiscal impact associated with this report. Based on Council direction, additional adjustments for the FY 2021/22 Budget may be required. Significant fiscal and resource impacts are associated with the reduction of the use of herbicides by the City. Additionally, it should be noted that service levels and the quality of Park Maintenance continues to drop.

CEQA (California Environmental Quality Act): Categorical Exemption

The planned maintenance and management of city facilities falls within the CEQA categorical exemption of Class 1, Existing Facilities.



CITY COUNCIL STAFF REPORT

MEETING DATE: May 19, 2021

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

DEVELOPMENT OF A TEMPORARY DOWNTOWN DOG PARK AT FORMER COMMUNITY GARDEN SITE

RECOMMENDATION(S)

Provide direction to City Staff on Parks and Recreation Commission proposed temporary Downtown Dog Park.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Supporting Our Youth
Seniors
and Entire Community

GUIDING DOCUMENTS

Bikeways
Trails
Parks
and Recreation Masterplan

POLICY CONSIDERATIONS:

Should the Council consider expending fiscal and staff resources on a temporary dog park that will need to be relocated in less than two years and may have compatibility issues with the future planned third Fire Station?

REPORT NARRATIVE:

The Parks and Recreation Commission has established the creation of additional dog parks in existing or new park spaces within their FY20/21 Work Plan, which was approved by the City Council. City staff has worked in coordination with Commissioners on the identification of potential areas. One such area identified by the Commission is the former Community Garden site located on Butterfield Blvd between the Court House and Morgan Hill Caltrain Station parking lot (Attachment 1).

Commissioners have worked with City staff to develop a concept plan/layout (Attachment 2) and to identify costs associated with constructing the lot, including what can be done via volunteers. This is currently not an approved project, and the City has no funding allocated to the project, so all work has been exploratory to this point.

The site appears to be a good location based on the existing facility and could be transformed quickly with mulch into a usable dog park. Reducing the costs would

require significant work to be performed by volunteers.

Capital Costs	Ongoing Costs	Volunteer Work
Water Service Trash Cans Dog Waste Stations Signage Fencing Repairs Decomposed Granite Path and Borders	Water Service Dog Waste Bags Trash can emptying	Remove Weeds Remove Debris/Litter Mulch Spreading

Should the Commission be successful in gathering volunteers the estimated capital costs would be approximately \$30,000 while operating costs would be approximately \$1,000 per year. This funding is not included in the current budget from the capital perspective.

While the Commission is recommending moving forward with the temporary Dog Park, staff are not. The primary concern of City staff is the future requirement to use the space for a Fire Station and finish construction of the Fire Station by mid-2024. This requirement is based on the settlement agreement associated with transferring the property to the City at the dissolution of the former Redevelopment Agency. The concerns are outlined below:

- Constructing a park that may not be able to remain on the site permanently due to the future construction of a Fire Station may frustrate residents/users.
- Should design of the site prove that a dog park could feasibly remain on the site, the Fire Department still has compatibility concerns with a dog park being located directly adjacent to a Fire Station.
- A dog park in the proposed location would need to be closed for Fire Station construction beginning Spring/Summer 2023 at the latest, leaving it open for less than two years.
- City staff resources to implement the construction of a temporary Dog Park.

It is anticipated that the Fire Station construction schedule will run as follows.

June 1, 2021	RFP for Design Release Date
November 1, 2021	Contract Awarded for Design/Begin Design
January 1, 2023	Design Complete/Project Out to Bid
May 1, 2023	Project Awarded/Construction Commences

The City must move the Fire Station Project forward at a pace that allows for appropriate design as a vital public safety facility for the City. It is understood that the entire site will not be needed for the station, but it is still unknown the ultimate space needs for the final footprint of the Station or the space needed for construction.

City Staff and the Parks and Recreation Commission discussed multiple alternatives to

support near term and long-term dog park development. These alternatives include the following:

- Asking architects to include the design of a permanent dog park on the property adjacent to the Fire Station. This would allow for the proposal to be reviewed in conjunction with the Fire Station.
- Continuing to identify and look at sites near and around the Downtown for a dog park.
- Reviewing existing parks for the possibility of converting portions of park space to temporary trial dog parks.

City staff highly recommend moving forward with these alternatives.

COMMUNITY ENGAGEMENT: Involve

The Parks and Recreation Commission is working towards finding new locations for dog parks as was outlined in the 2017 Parks and Recreation Master Plan, which included citywide engagement on Parks and Recreation Planning. The Commissioners have taken the lead on moving this initiative forward. The proposed action has been discussed at multiple Parks and Recreation Commission meetings.

ALTERNATIVE ACTIONS:

City Staff is not recommending moving forward with a temporary dog park at this time due to the considerations outlined in the staff report. Alternatively, the City Council could elect to direct staff to move forward with a temporary dog park on the former Community Garden site. If the Council makes this recommendation the City staff would return to the Council to share the next steps in site development and request the appropriation for capital and operational funding.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The Commission made the recommendation to construct a temporary downtown dog park at the April 20 Parks and Recreation Commission meeting. The Commission Work Plan, which included the item to research opportunities for the creation of additional dog parks in existing or new park spaces, was approved by the Council on November 4, 2020.

FISCAL AND RESOURCE IMPACT:

There is no fiscal impact associated with the City staff recommendation. The recommendation from the Parks and Recreation Commission would require approximately \$30,000 in capital funding and \$1,000 in annual funding. It would also require very significant staff resources from the Community Services Department over the next several months.

CEQA (California Environmental Quality Act): Categorical Exemption

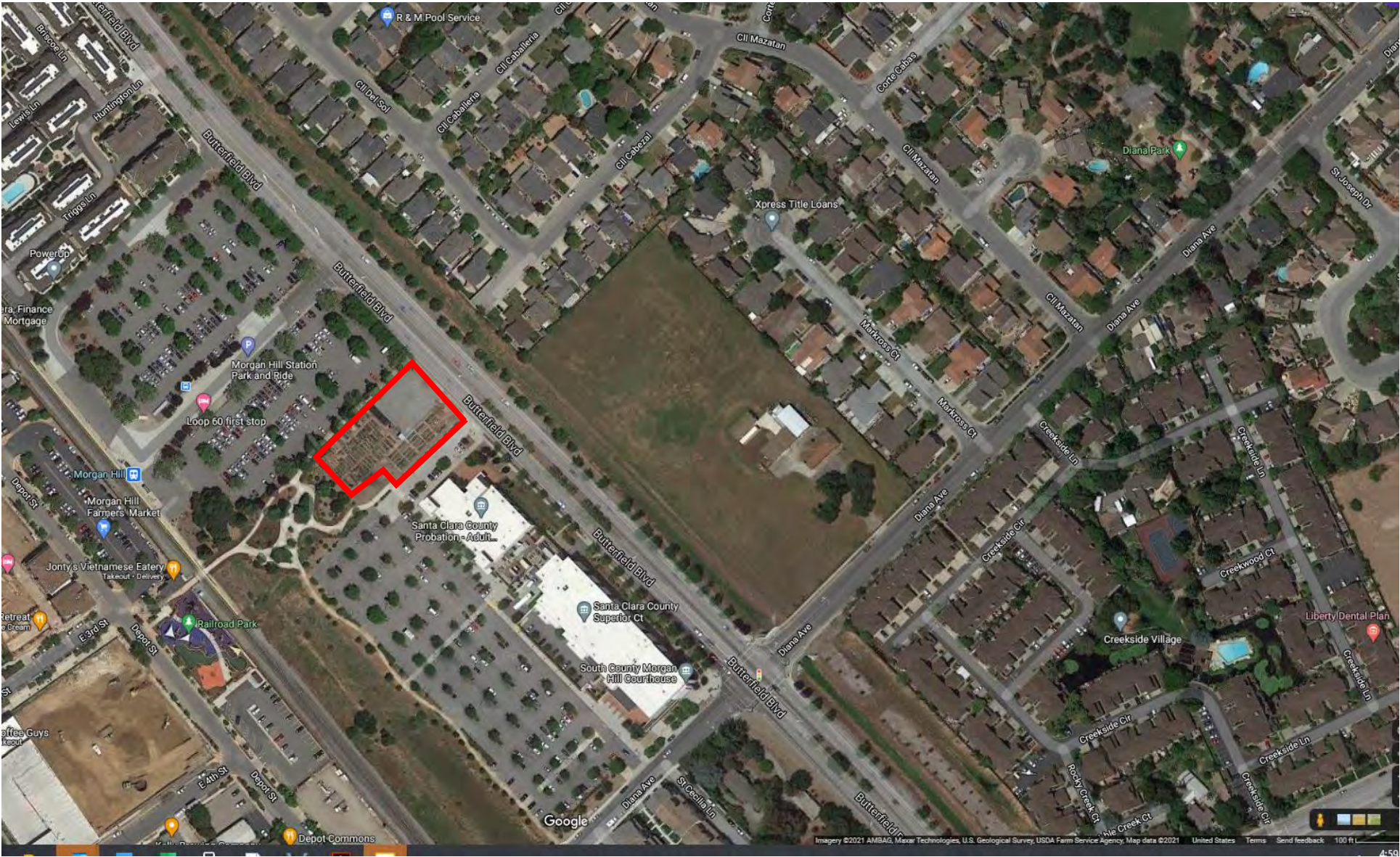
The planned use and management of existing park space within city facilities falls within the CEQA categorical exemption of Class 1, Existing Facilities.

LINKS/ATTACHMENTS:

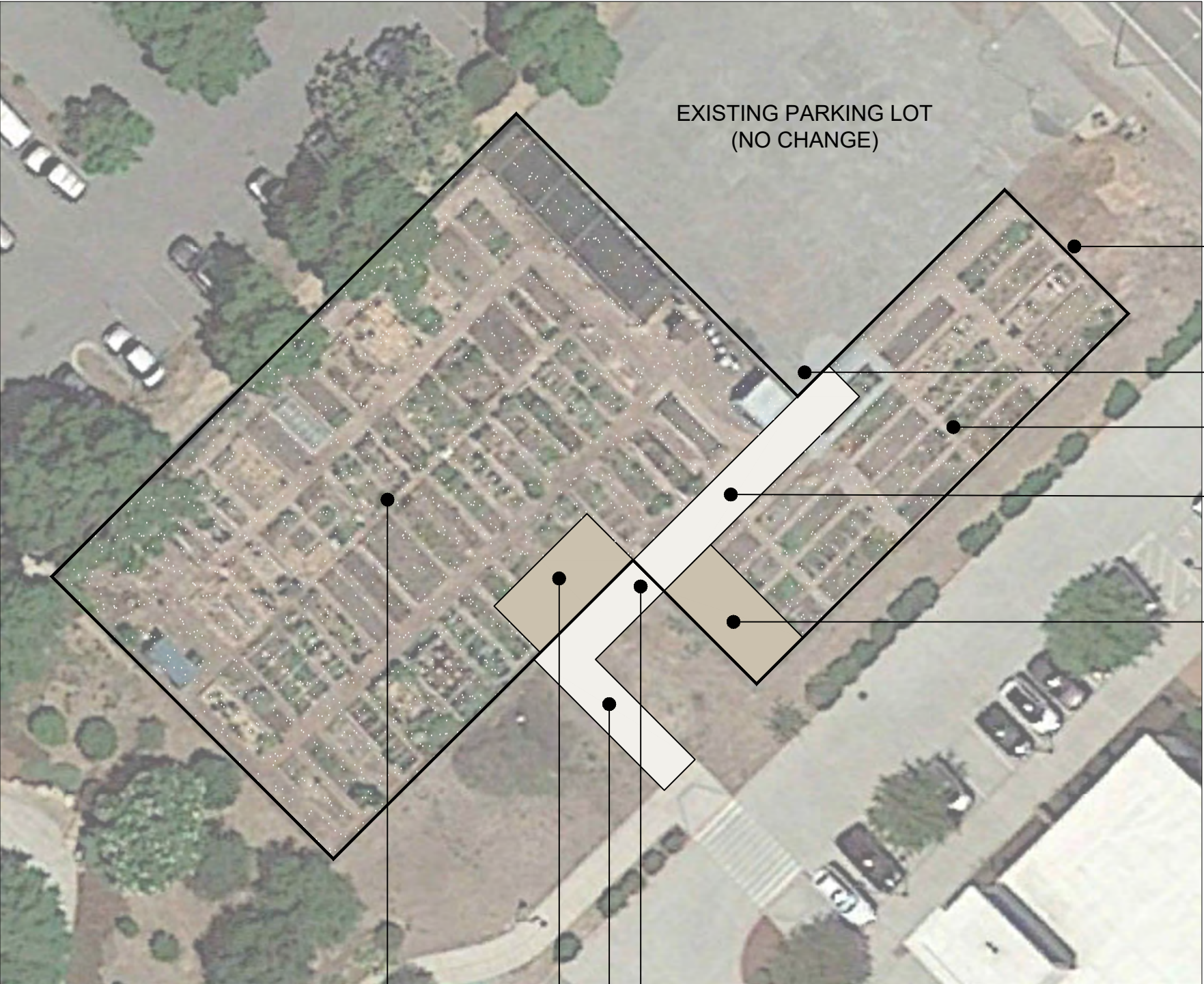
1. Site Location

2. Proposed Site Layout

Site Location



Attachment: Site Location (3088 : Development of a temporary Downtown Dog Park at former Community



EXISTING PARKING LOT
(NO CHANGE)

REPAIR EXISTING C.L. FENCE
AS NEEDED
±700 LF

INSTALL NEW GATE

SMALL DOG OFF-LEASH AREA
(±4,000 SQFT)

GATED STAGING AREA WITH
GATE INTO EACH DOG PARK
(CONCRETE)
±650 SQFT

SITTING AREA
(DECOMPOSED GRANITE)
(±500 SQFT)

NOTES

- 1. INSTALL AUTOMATIC WATER DISHES IN EACH DOG PARK AT EXISTING SERVICES
- 2. EXISTING CARGO BOX TO REMAIN

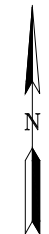
LARGE DOG OFF-LEASH AREA
(NATURAL GRADE)
±13,000 SQFT

SITTING AREA (DECOMPOSED GRANITE)
±500 SQFT

INSTALL/REPAIR GATE

INSTALL 7' CONCRETE PATH FROM EXISTING RAMP TO
NEW STAGING AREA (TO BE ADJUSTED OR RE-DESIGNED
AS NEEDED TO MEET ADA REQUIREMENTS)
±650 SQFT

NOTES
1. IMAGERY DEPICTED HEREIN IS
FROM OTHERS, C. 2019
2. SCALE IS APPROXIMATE



DATE: 1/5/2021
SCALE: 1"=30'

CONCEPTUAL SITE PLAN

BUTTERFIELD
OFF-LEASH DOG PARK



Item 6

Downtown Traffic Calming and Monterey Road Lane Reduction



May 19, 2021

Introduction



Due to long term effects of the pandemic, Downtown businesses requested the City Council revisit reconfiguring Monterey Rd lanes to:

- Increase safety for residents and visitors using all modes of transportation
- Slow the speed of traffic
- Increase economic vitality
- Protect our small Downtown from the onslaught of cut-through traffic
- Repurpose space for people and businesses to thrive

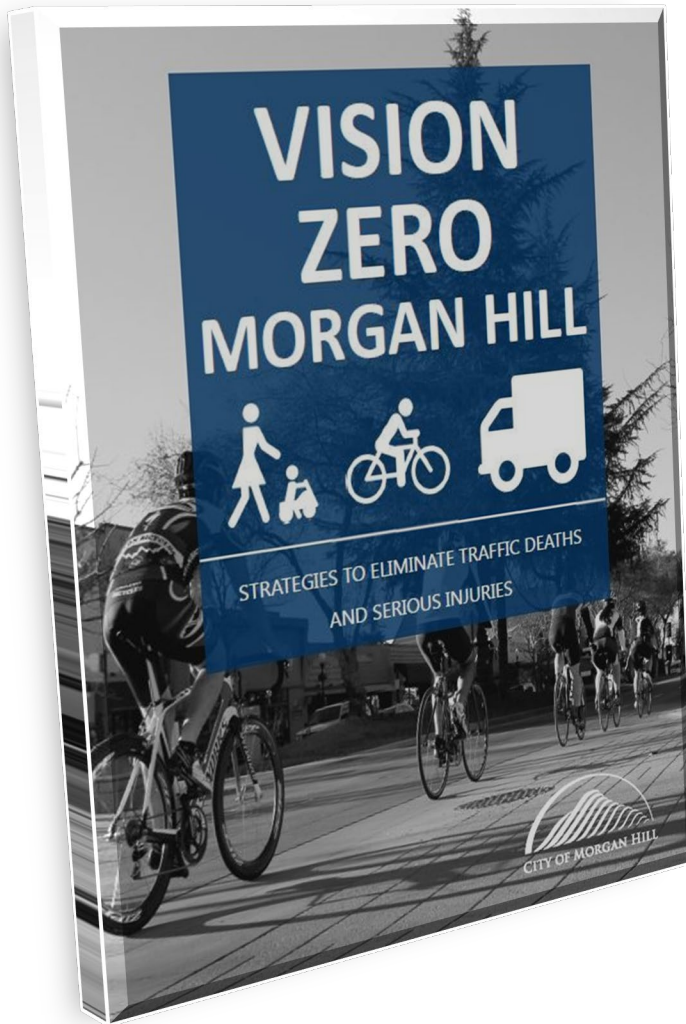
The City Council has specifically requested that City staff review options for traffic calming, including the lane reduction program.

Big Picture Question



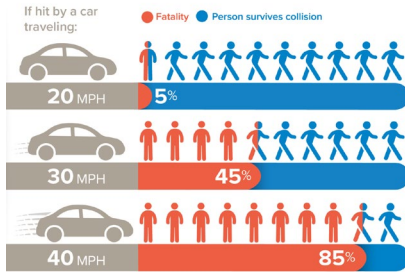
What is the purpose of Monterey Road through the Downtown?

Vision Zero Principles



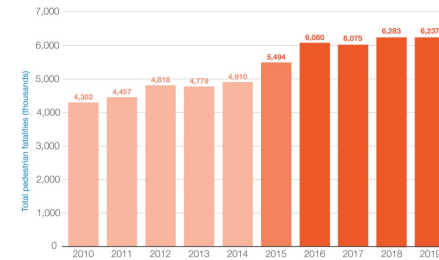
- ✓ Traffic deaths are PREVENTABLE
- ✓ Integrate HUMAN FAILING in approach
- ✓ Prevent FATAL AND SEVERE CRASHES
- ✓ SYSTEMS approach
- ✓ Saving lives is NOT EXPENSIVE

Vision Zero Principles

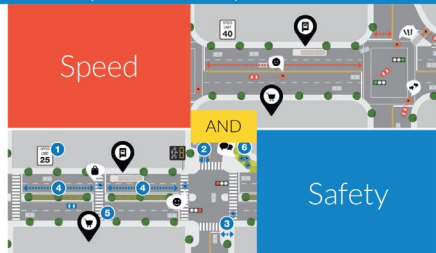


National Traffic Safety Board (2017) Reducing Speeding-Related Crashes Involving Passenger Vehicles. Available from: <https://www.ntsb.gov/safety/safety-studies/Documents/SS1701.pdf>

45% increase in people struck and killed while walking
The last four years were the most deadly in three decades



It's impossible to prioritize both...



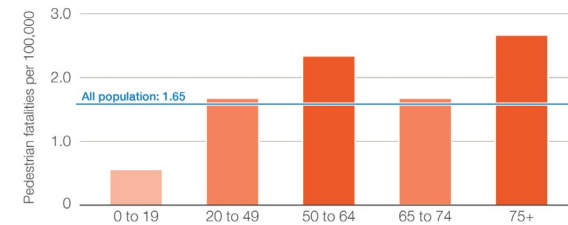
Smart Growth America
Advancing Smart Growth

DANGEROUS
BY DESIGN

National Complete
Streets Coalition

Older adults are disproportionately killed

Pedestrian fatalities per 100,000 people by age



Vision Zero

What does this mean from a practical sense Downtown?

Scenario 1

Stop Sign

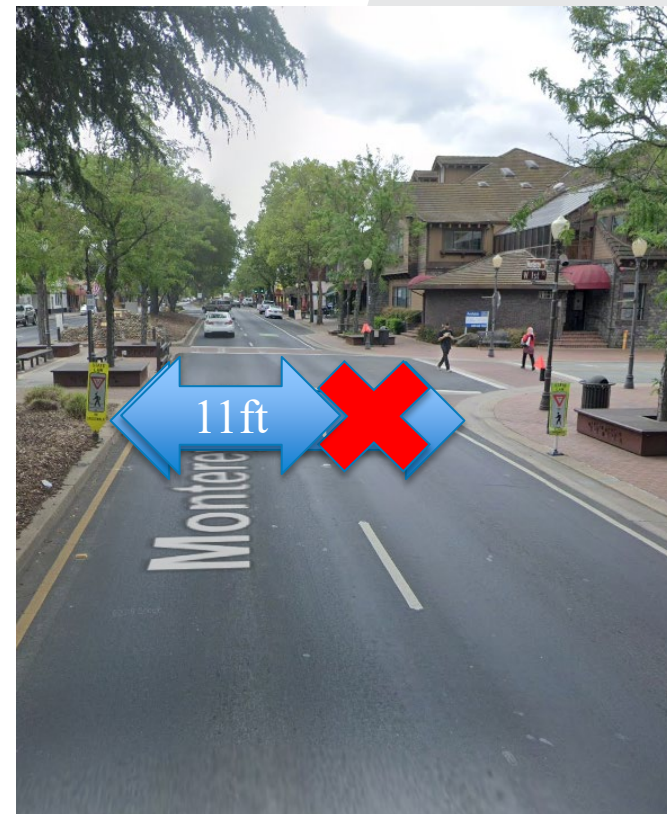
Reduces Speed at a Location



Scenario 2

Lane Reduction

Reduces Ped/Vehicle Conflict





The Purpose of Monterey Road has Evolved

- Monterey Road used to connect the City of San Jose to City of Monterey
- It was a “State Route”
- Freeway 101 was built to bypass the Downtown
- Monterey Road was “relinquished” for the City to control
- Butterfield was built to bypass the Downtown

2015 Complete Streets Pilot



Complete Street Objectives

- **Foster safety**
- **Reduce noise and air pollution**
- **Improve livability and economic vitality**
- **Accommodate bicyclists safely**
- **Create community gathering places**
- **Preserve mobility**



End of Pilot Results



No Change in Speed of Traffic



People biking nearly tripled (from 74 to 214)



Transit Ridership increased by 3% (trip length increased by 29 seconds)



Traffic moved to Butterfield versus residential streets on the West side



50% of large vehicles (400 pick-up trucks and semi-trucks) moved to Butterfield

End of Pilot Results



Business Impact was unclear



Increased Pedestrian Counts



Transit Ridership increased by 3% (trip length increased by 29 seconds)



No impacts on emergency response times.

2015 Council Decision



- The Council elected not to move forward with the lane reduction program at that time
- The Pilot Program was not viewed as a failure, rather decided the timing of the implementation was not right
- The Council specifically requested that review of the lane reduction return at a later date

Significant Dynamics Occurring During the Pilot:

- **Parking Structure Under Construction**
- **Several Downtown Developments**
- **Business Relocations**

Traffic Calming Alternatives



Non-Lane Reduction Improvements

Continue existing work to provide support to look at opportunities to improve safety Downtown in a less coordinated manner

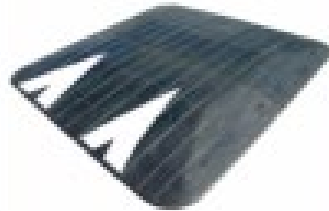
The City has done considerable work here but can continue to look at additional improvements

Traffic Calming Alternatives



Lane Reduction

Eliminate one lane of traffic in each direction on Monterey Road between Dunne and Main



Traffic Calming Non-Lane Reduction

Speed bumps
Stop signs
Bulb outs
Other



Specific Pedestrian Safety Improvements

Ped Activated Lighting
Improved Lighting
Remove visual barriers
Other



Full Monterey Road Closures

Limited Timeframe Full Closure of Monterey Road between Dunne and Main

Traffic in Morgan Hill



- Traffic is a frustration for Morgan Hill residents
- 1/3 of Regional Traffic Travels through the City
- Hale Avenue Final Completion estimated in 2023
 - Anticipated to support significant traffic from going through Downtown
- Butterfield is a viable alternative to Monterey

Year	Daily Traffic Count
1987	24,957
1991	24,641
1994	21,510
2000	25,340
2005	20,565
2010	17,633
2015	15,628

Traffic in Morgan Hill

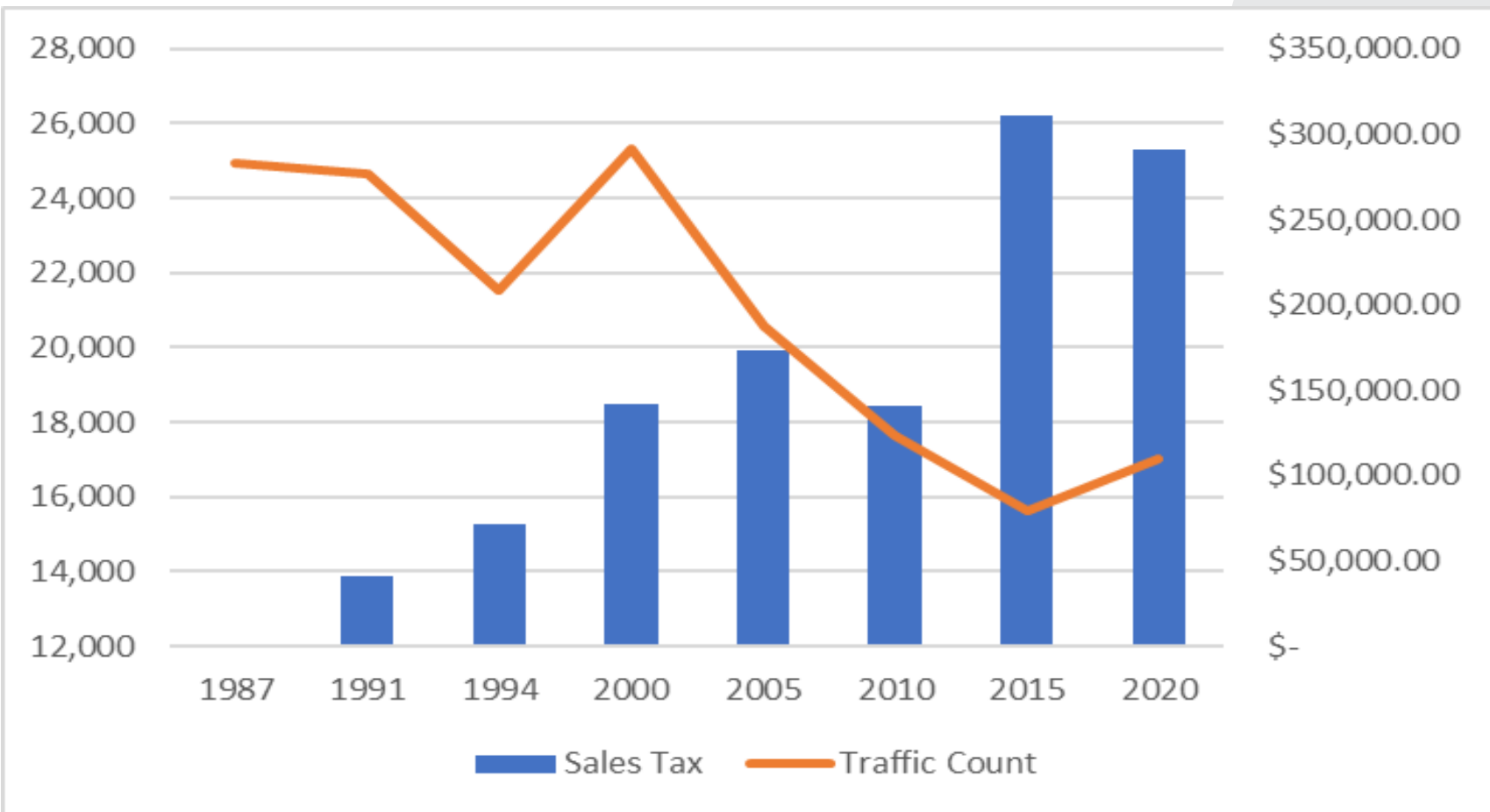
Travel Distance
Monterey & Cochrane to
Monterey & Watsonville

- 3.1 Miles via Monterey
- 3.8 Miles via Butterfield
- 3.8 Miles bypassing
Downtown via
Dunne/Butterfield/Main



Discovery

Historical Revenue vs. Traffic Counts



Downtown Connectivity

The Downtown is a key component for non-motorized travel in our City.

- Higher density housing continues to increase near the Monterey Corridor
- The Bus Route is the only transportation for many residents. Most residents using the bus must walk to the bus stops throughout the corridor
- Travel to and through the Downtown is no longer just for shopping and dining
- It's a place for families to recreate, relax, recreate, and exercise



The Future - The Entire World Changed



- COVID pandemic
- Outdoor dining expanded
- Outdoor recreation activities and use of public spaces expanded
- Downtown is now full of park space for families
- Life slowed down
- Working from home
- Placemaking for people to connect & prosper



Discovery



Downtown

1. Visioning Summit
2. Downtown Survey
3. Small Group Meetings with Stakeholders

Community

1. Community Town Hall
2. Community Survey
3. Email Feedback

Discovery

Downtown Visioning Summit – April 23, 2021

- Speakers from Alta Planning + Design, Hollister, Willow Glen & Morgan Hill
- Learned about success stories on transforming Downtowns from throughfares into destinations
- Local businesses presented a vision
- Approx. 80 guests in-person and on Zoom
- Recording available on website

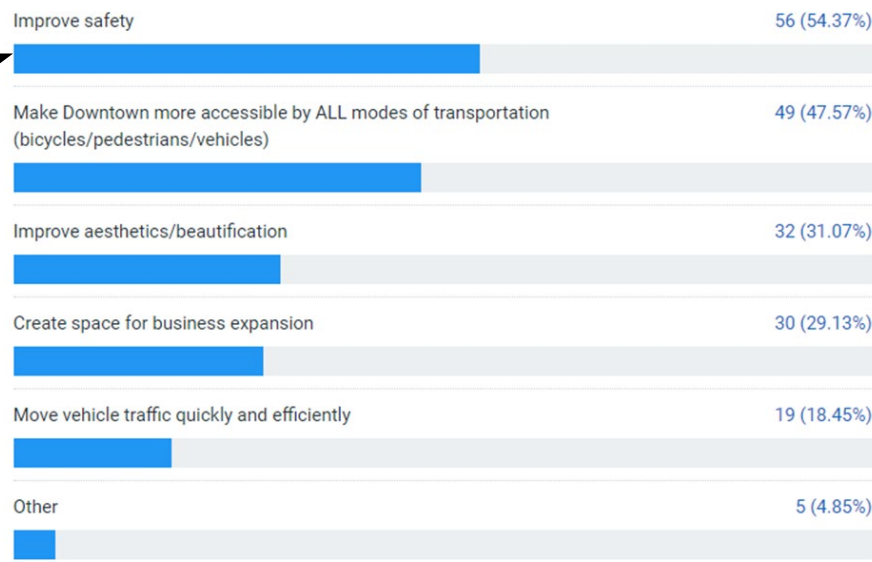


Discovery

Survey of Downtown

1. What do you view as the highest priority for downtown streets? (choose two)

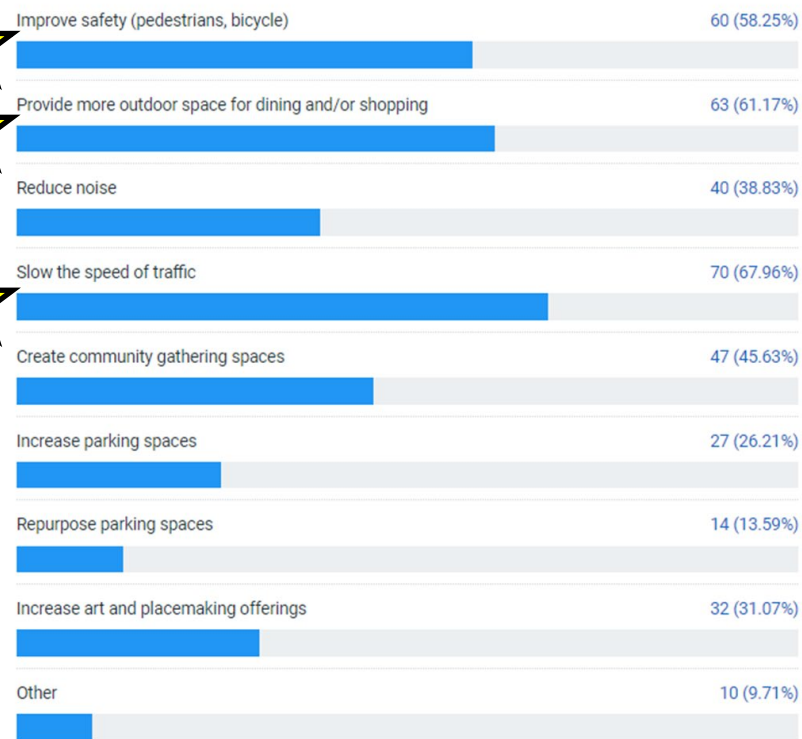
Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 103

3. How can the City help improve your experience specifically on Monterey Road in Downtown Morgan Hill? (check all that apply)

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 103

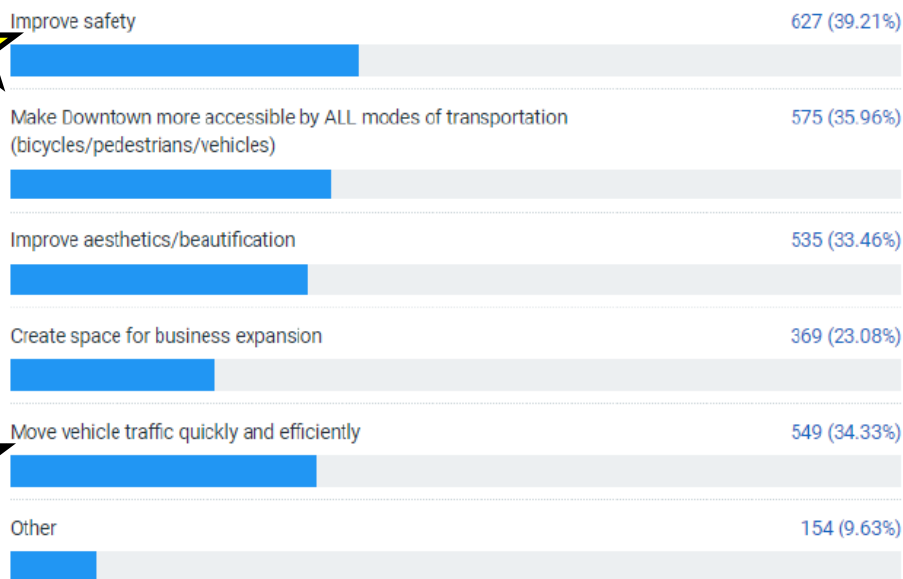
Discovery

Community Wide Survey

CHECKBOXES

1. What do you view as the highest priority for downtown streets? (choose two)

Showing the most recent responses to the question. [See all responses here.](#)



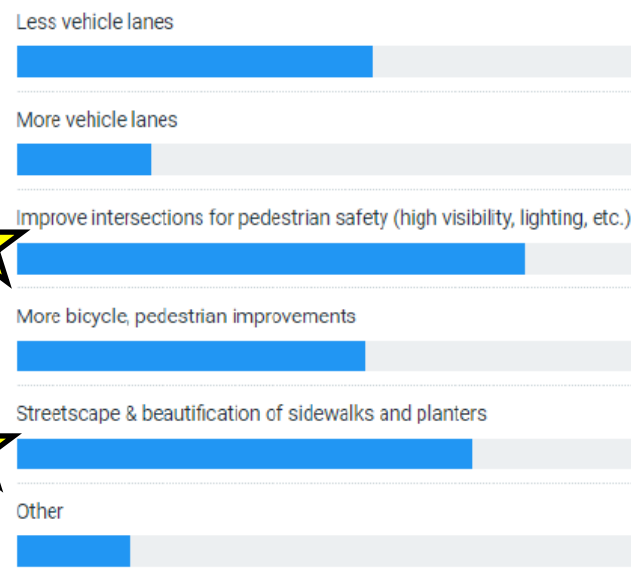
Total Responses

1599

CHECKBOXES

2. How can downtown streets be improved? (check all that apply)

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses

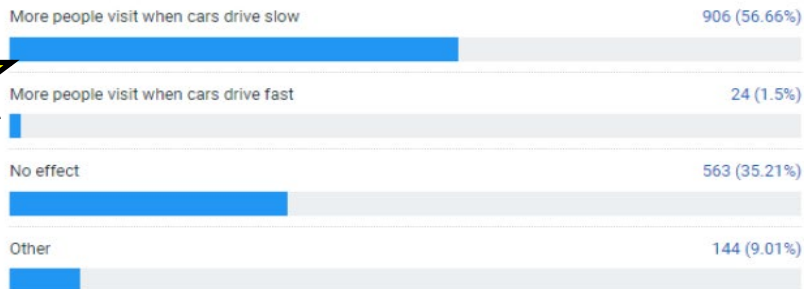
Discovery - Community Wide Survey



CHECKBOXES

4. In your opinion, do you think more people visit businesses when cars drive fast past them or when they have to drive slowly past a business?

Showing the most recent responses to the question. [See all responses here.](#)

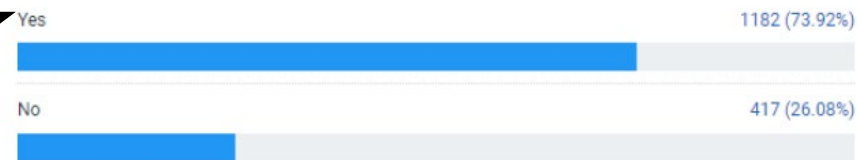


Total Responses 1599

MULTIPLE CHOICE

6. Did you experience the pilot Monterey Road lane reduction in 2015?

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 1599

MULTIPLE CHOICE

5. Do you think Downtown would be more walkable, quieter, and safer with less car lanes on the road?

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 1599

CHECKBOXES

8. Are you more in favor of reducing the lanes of traffic on Monterey Road through Downtown to a single lane in each direction than in 2015?

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 1599

Discovery

Communitywide Feedback

Positive

- Improve safety for Britton Middle School students, pedestrians, pets, bicyclists and customers
- Value of additional space
- Decrease vehicle noise
- More likely to walk or ride Downtown
- Many affordable housing projects
- Reduces carbon footprint

Discovery

Communitywide Feedback

Negative

- Increased traffic in nearby neighborhoods
- Slower travel times for thoroughfare drivers
- Loss of parking spaces
- Significant Cost compared to other City needs

Lane Reduction Program



Implement an improved Lane Reduction Program that:

- Creates a safe Downtown for our community members and businesses from a pedestrian, bicycling, and gathering perspective
- Creates an environment for the changing needs of our Downtown businesses to recover now and thrive into the future
- Considers and utilizes the input of the Downtown businesses and community members in general

Lane Reduction Program

Improved Lane Reduction Elements

Built for the Long-Term

- Improvements to support drivers and protect pedestrians/cyclists such as curbs, delineators or other devices
- Improved signage in and outside Downtown to protect drivers
- Integration in design with parklets and community space.



Lane Reduction Program

Improved Lane Reduction Elements



Encourage traffic to utilize alternate routes.

- Protect our Downtown from regional cut-through traffic

Not just a Bike Lane

- Space for people!
- Move traffic away from customers and businesses



Place Branding Effort

Community Gathering/Branding



Create a space for businesses to thrive and community to use

- Accomplishes vision of making Downtown a destination
- Adds place branding value
- Provides buffer between vehicles and people
- Community gathering spaces
- Opportunity for activations and programming



Place Branding Effort



Willow Glen



Hollister



Los Gatos



Morgan Hill ?

Rational for Recommendation



Lane Reduction

- Implements City Goals
- Increases Safety
- Improves Walkability
- Supports Downtown Neighborhood
- Supports people using the Downtown over those passing through

Place-Branding

- Supports vision of making Downtown a destination
- Provides space between cars and people
- Creates opportunity for programming and activation
- Supports business recovery
- Creates gathering spaces for community
- Adds interest and can create culture and placemaking

Staff Recommendation



1. Design a Lane Reduction Project that improves accessibility, increases safety and creates additional space for community members and businesses.
2. Design a Place Branding Program that creates an initial plan for City funded efforts on place branding, including the barrier next to the “people lane,” the use of trees, planters and other elements to support beautification and consistency through the Downtown.

Next Steps

Design

- 3-6 months design and bid



Lane Reduction

- 1 month implementation



Place-Branding

- Ongoing
- Public-Private Partnership
- Multi-Phased
- Trees, Lights, & Fencing
- Parklets

Funding



Costs and Funding

- \$50,000 for Design
- The City estimates it could spend \$200,000 - \$400,000 on construction of this project
- Funding Opportunities
 - Grant Funds - \$95,000 TDA Funds
 - American Rescue Plan Act Funds to fund remainder of City costs
 - Public Private Partnership Funds would be used to support enhanced place branding above City funding

Council Recommended Action



1. Receive report on traffic calming activities in the Downtown;
2. Direct staff to include the funding of \$50,000 for the engineering and design consultants to support the design of an Improved Lane Reduction Program and associated Place Branding Design for the Downtown;
3. Direct City staff to form a working committee made up of Downtown and community representatives;
4. Direct City staff to formally discuss public private partnership opportunities with the Downtown Businesses to support the lane reduction and place branding efforts; and
5. Direct City staff to begin the application process for Transit Development Act Funds for the Lane Reduction Program.

Questions



Monterey Road Traffic Calming Summary Results – Citywide Survey

May 17, 2021

Item # 06

AGENDA DATE: 05/19/2021
SUPPLEMENT # 1

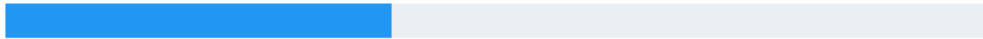
1,599 Responses

CHECKBOXES

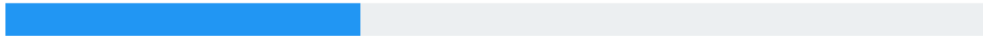
1. What do you view as the highest priority for downtown streets? (choose two)

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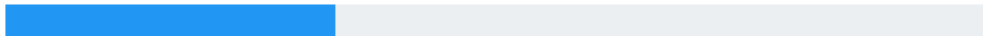
Improve safety 627 (39.21%)



Make Downtown more accessible by ALL modes of transportation
(bicycles/pedestrians/vehicles) 575 (35.96%)



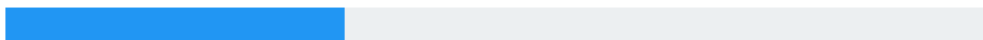
Improve aesthetics/beautification 535 (33.46%)



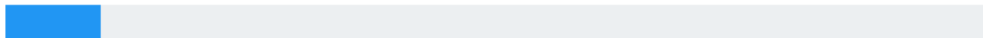
Create space for business expansion 369 (23.08%)



Move vehicle traffic quickly and efficiently 549 (34.33%)



Other 154 (9.63%)

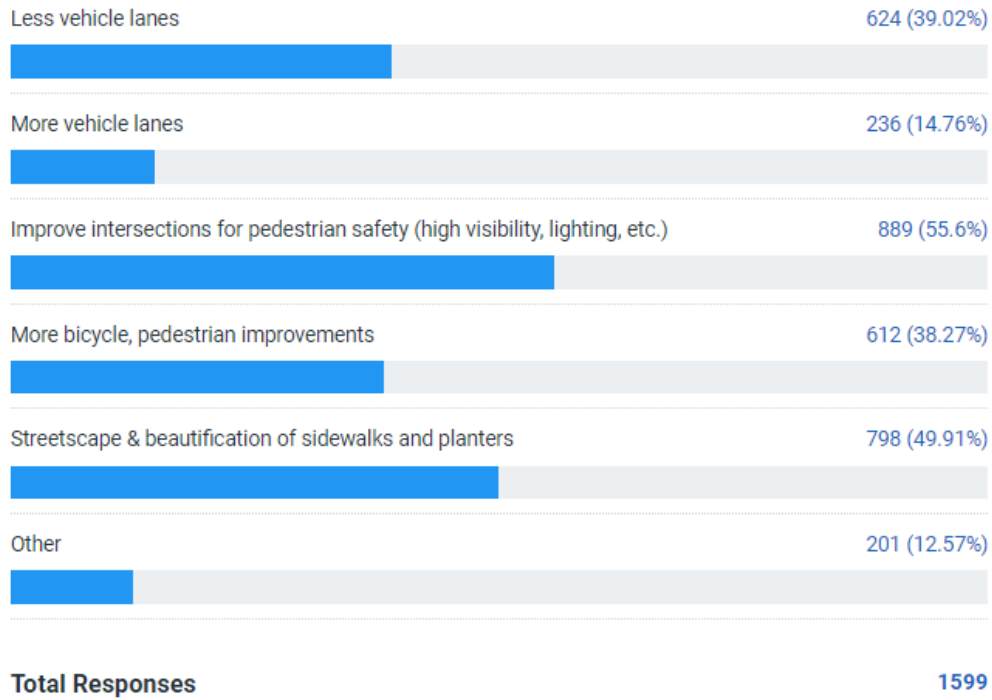


Total Responses 1599

CHECKBOXES

2. How can downtown streets be improved? (check all that apply)

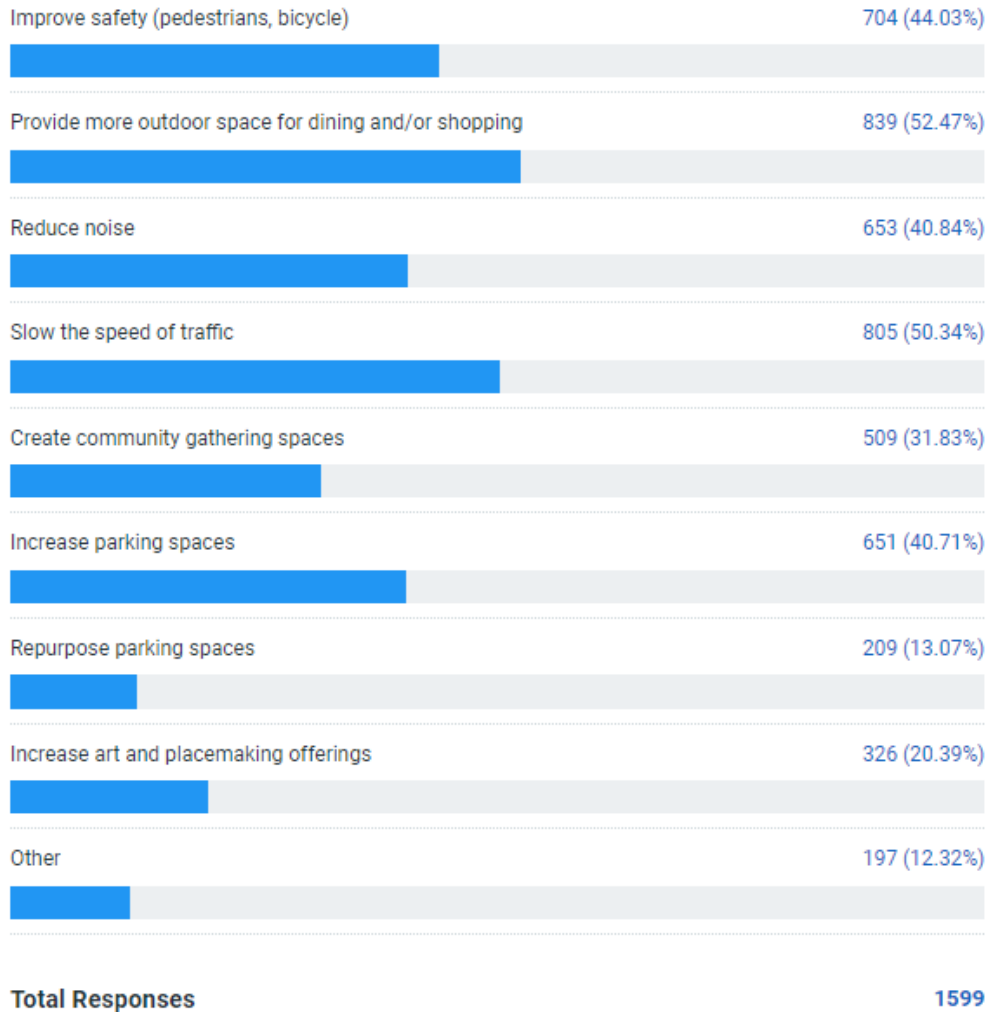
Showing the most recent responses to the question. [See all responses here.](#)



CHECKBOXES

3. How can the City help improve your experience specifically on Monterey Road in Downtown Morgan Hill? (check all that apply)

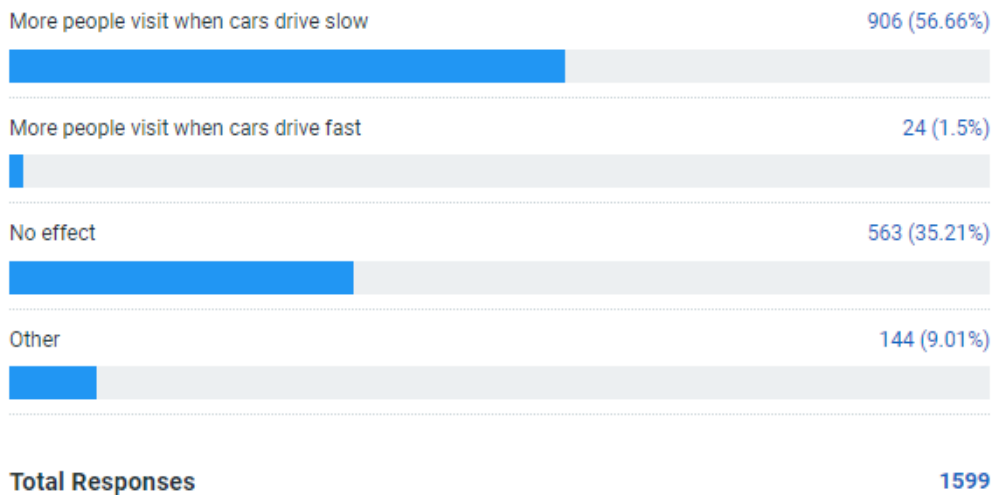
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CHECKBOXES

4. In your opinion, do you think more people visit businesses when cars drive fast past them or when they have to drive slowly past a business?

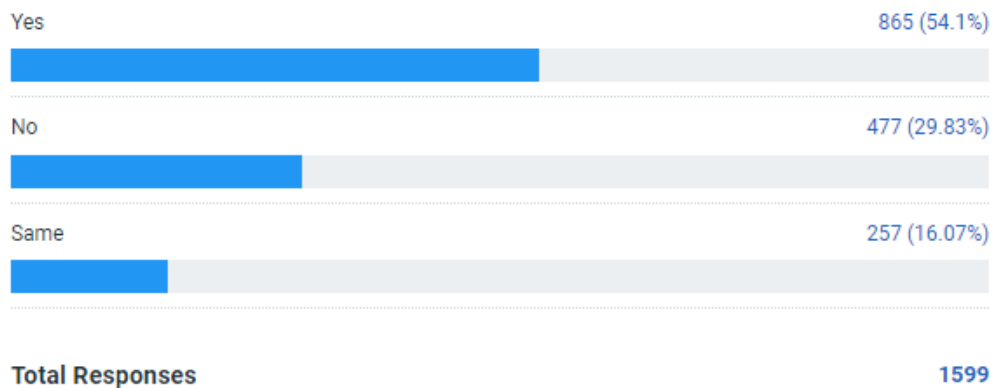
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MULTIPLE CHOICE

5. Do you think Downtown would be more walkable, quieter, and safer with less car lanes on the road?

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MULTIPLE CHOICE

6. Did you experience the pilot Monterey Road lane reduction in 2015?

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 1599

CHECKBOXES

8. Are you more in favor of reducing the lanes of traffic on Monterey Road through Downtown to a single lane in each direction than in 2015?

Showing the most recent responses to the question. [See all responses here.](#)

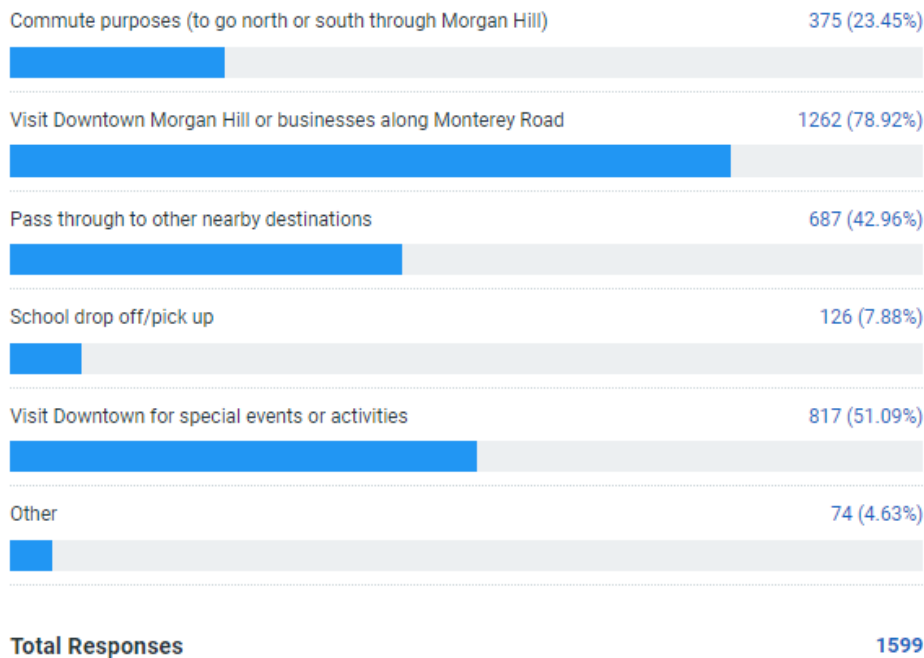


Total Responses 1599

CHECKBOXES

10. Do you use Monterey Road through Downtown primarily for the following?

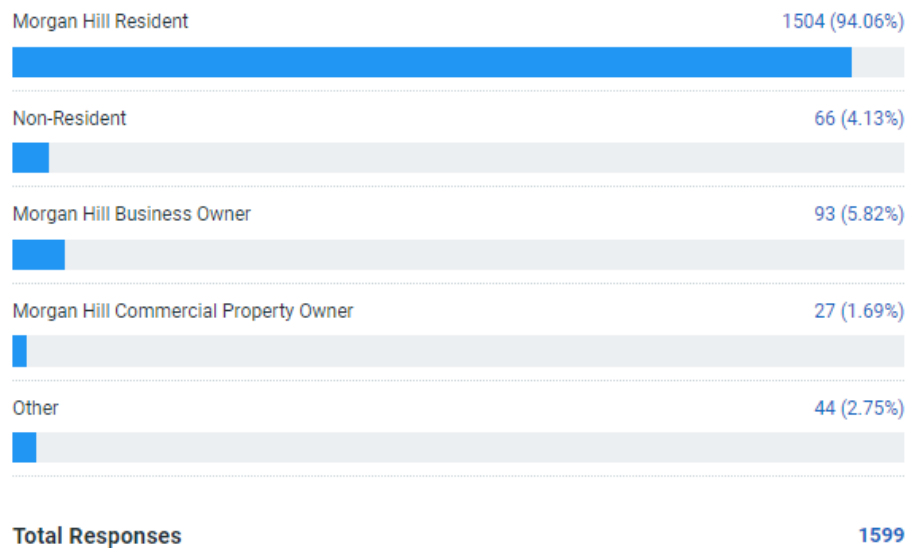
Showing the most recent responses to the question. [See all responses here.](#)



CHECKBOXES

11. Please tell us about yourself.

Showing the most recent responses to the question. [See all responses here.](#)



Item # 06

AGENDA DATE: 05/19/2021

SUPPLEMENT # 2



AN IHG® HOTEL

Dear Morgan Hill Town Council,

May 17, 2021

I am writing to you on behalf of the Holiday Inn Express ownership group, as well as many of my local hotelier management, colleagues and owners.

We are concerned about the recent ARPA usage of funds, posted on your website [here](#). From the info posted here, it appears that you are recommending that the town apply the funds towards downtown improvements in lane changes, safety improvements, and noise reduction for the local restaurants. We are very supportive of improvements in downtown Morgan Hill; however, ***how are those improvements going to actually impact and inject tourism growth into our local community businesses, including the hotel industry?***

We simply want to ensure there is transparency and open communication/dialogue on this matter. We would like to understand how the funds are being divided up, and ***how you are planning to help drive tourism/business for the others in the area (for example, the majority of our local hotels on Condit Rd.)?***

Some examples of how the use of funds can help drive not only more TBID revenue, but more TOT dollars....thus helping the entire community of Morgan Hill out of the gates:

1. Capital expenditures on the ***existing*** local soccer fields would help create the best facility in Northern California. ***Thus, helping drive restaurant business, hotel business, and downtown business -- a holistic approach, one that is required at this time.***
2. The hotels could also use some assistance from you on the next two-three months of tourism to help our summer weekend business. A suggestion for this would be once a week (every Saturday), we hire a Corinthian shuttle. The shuttle would stop at hotels that help pay into the TBID to pick up guests/safely drop to and from wineries, downtown, etc. This would help hotels and wineries market a sip and stay joint program.
3. Use the funds to help build a safe bike path to downtown from our main Condit Rd. hotels into downtown safely.

4. Allocate \$30,000 in marketing funds (i.e. Instagram, Facebook, winery passport marketing and packages) to grow occupancy for your community hotels -- those hotels that help pay into taxes and actually helped establish a TBID in the first place.

I hope you will reconsider your planning and ask hoteliers to take a seat at the table when it comes to allocating these crucial funds. The hotels in our town need to survive and deserve some assistance from the town. If our hotel occupancy goes up, as does our average daily rate, your TOT and TBID dollars, and in the end...downtown/local restaurants and shops' bottom line.

Thanks for your time,

Bina Roy Desai, Managing Member, El Toro Group LLC

408 666 1022

www.hiemorganhill.com



May 18, 2021

Morgan Hill City Council
17575 Peak Ave
Morgan Hill, CA 95037

Dear Mayor and City Council Members,

Our Board Chair, on behalf of the Visit Morgan Hill Board (VMH) of Directors, wrote to you on May 5th in support of the conceptual vision of the Downtown Traffic Calming project, with the conditions that it benefit overnight stays in hotels (tourism) and that the research and final plan are transparent and accessible. Visit Morgan Hill is supportive of efforts to improve tourism, and there are many endeavors that may generally support “tourism.” Therefore, we must consider each case by case, look at our opportunities and the issues we are solving for, and be rooted in our mission and vision-- especially when the issue is controversial. This letter is to provide some additional considerations and questions for how the Downtown project before you Wednesday 5/19 fits into a bigger picture for economic and tourism development in our wonderful city – and how we may collaboratively and effectively leverage the ARPA funds to realize a successful recovery.

The staff report recently posted reveals that the Downtown project relies primarily on ARPA funds, intended “to provide relief for individuals and business struggling due to COVID-19.” While the VMH Board is supportive of the concept of an improved downtown, the funding source brings to light other meaningful questions: what is the City’s plan for distributing Morgan Hill’s \$8.6M ARPA funds? How are they currently earmarked? Is this the one shot at ARPA funding for local “tourism”? And if so, is the Downtown project the best and only solution for business recovery? Is there room for other ideas to complement and enhance the Downtown Vision? May VMH and other business orgs be at the table to discuss the interconnectedness of business sectors, other areas of town needing relief, and what may most quickly and impactfully offer relief when considering use of Morgan Hill’s ARPA funds?

Tourism marketing is an important way to attract *new* visitors to support local business beyond existing residential customers. We know when people stay in hotels, they spend more on dining, shopping, and experiences in a city. Morgan Hill has an opportunity to simultaneously grow our tourism and leverage it for recovery, but it takes funding. Downtown improvements will strengthen the visitor experience and create an even stronger asset. That said, Morgan Hill and downtown as they exist today are still marketable and attractive to promote to overnight leisure visitors *now*. In fact, VMH is implementing our first-ever, comprehensive digital tourism marketing campaign starting mid to late June. Due to a coronavirus-related 60% TBID funding shortfall (from an already modest annual budget) we are relying on reserve funds for the campaign. We continue to promote many of the city’s businesses beyond just hotels-- restaurants, wineries, shopping, downtown, event venues, sports facilities, parks, and outdoor recreation. Our hotel partners know the value of this, but they, like other hospitality businesses, are still significantly suffering due to the pandemic, after accommodating County housing programs, firefighters and evacuees, and many others that have needed essential, clean, safe places to stay during the pandemic. Visit Morgan Hill is hindered in our ability to market due to the limited TBID funding and similar orgs have sought various forms of relief. The State of California recently granted Visit California a \$95M stimulus for tourism marketing, showing robust trust in the efficacy of tourism marketing as a recovery driver.

Through an extensive [strategic plan](#) process completed Fall 2020 (during the pandemic), Visit Morgan Hill explored and documented our city’s “gaps” and opportunities for tourism development such as hotel location/proximity to



attractions, infrastructure, and transportation. Our plan consistently notes collaboration with the City and other business entities as a priority when addressing these. Accessibility and connectivity of downtown (and other visitor assets like wineries and parks) to the hotels on the east side of HWY 101 and from other major neighborhoods should surely be a consideration for use of business “rescue” and recovery funds. Creating a shuttle vehicle program from hotels and other neighborhoods to downtown could stimulate wider, more immediate business activity than the Monterey St. lane reduction alone. Safe bike and walking paths are an important connection point as well.

Another question I would like answered is: when would the lane reduction construction take place and what is the extent of it? Construction downtown will itself have impacts during a critical recovery time. If taking place the same time that Visit Morgan Hill is inviting people to visit through our campaign, how to we successfully balance our message with the experience? This is another example where strategic engagement and discussion will benefit us as a town as we consider major developments.

In conclusion, we are excited and grateful to work through our challenges together, with such strong and connected partners and community.

Many thanks for your time,

A handwritten signature in black ink that reads "Krista Rupp". The signature is fluid and cursive.

Krista Rupp
Executive Director
408-915-7659
executivedirector@visitmorganhill.org

From: Armando Be <[REDACTED]>

Sent: Monday, May 17, 2021 7:03 PM

To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>; Yvonne Martinez Beltran <yvonne.martinezbeltran@morganhill.ca.gov>; Rene Spring <Rene.Spring@morganhill.ca.gov>; John McKay <john.mckay@morganhill.ca.gov>; Christina Turner <Christina.Turner@morganhill.ca.gov>; Gino Borgioli <Gino.Borgioli@morganhill.ca.gov>

Subject: ITEM 6: DOWNTOWN TRAFFIC CALMING AND MONTEREY ROAD LANE REDUCTION

Monterey Road is a regional transit point, historically and currently. It also serves as a major road for local residents to travel north and south of the city. Parents drive through it to take their children to nearby schools Britton Middle School and PA Walsh. Parents walk their kids to school through the intersection. That it is heavily traveled is indicative of its importance as a transit route. The reliance on that thoroughfare is even more crucial given the increase in high density housing that has spruced up throughout and around the corridor. There are major high density housing developments being built presently and many more slated in the near future, which will add hundreds if not thousand of vehicles in the Monterey corridor. And unfortunately, given the current CA government that has taken away local local control of developments, it can be anticipated that the city is going to experience a low income, high density housing boom. You cannot ignore that fact that the housing development is going to add cars in numbers that will overload all of our roads in and around the Monterey Road corridor.

The detrimental negative effects of choke points along 5 blocks of Monterey Road are not in the abstract. It was tried in 2015, despite all indications that choke points would cause havoc around the intersection. The concerns became a reality. Long lines of cars resulted from all roads leading away from the intersection. The delays became unbearable during the commute hours. Children were late to school and parents were late for work. We had an increase in traffic accidents and road rage became a norm as peoples frustrations surfaced. The city staff report says the delay was only for one minute. That must of been tabulated as an average time during commuter time and rest of the time. The fact is, everyone knows that presently during commuter time, it takes about 8-10 minutes to cross the intersection on a good day. Increased traffic congestion has a detrimental effect in the health and safety of those that live in or around the road congestion. It will be no different this time around.

The extreme traffic congestion and concomitant negative effect on drivers and the residents that live in and around the Monterey Road corridor became a reality and concern in the 2015 lane reduction, so much that then City Council, under the leadership of Mayor Tate, and after spending millions on the project, wisely decided to table the project, specifically voting to delay the matter until the Hale Avenue extension was open to traffic (now slated to 2023). It was hoped that the extension would mitigate the extreme traffic congestion that resulted from lane reduction. So we have tried it and it became a nightmare for those that lived in and around or traveled through the Monterey Road corridor.

It is noted in the staff report that the MHUSD, who also experienced complete traffic havoc in the 2015 experiment to reduce lanes, is not in favor of lane reduction this time. The school leaders know the importance of that corridor to move traffic north and south, especially given how close Britton Middle and PA Walsh schools are to the intersection and the havoc it would cause to parents and students and its transportation buses.

The staff report clearly evidences that their recommendation to choke off Monterey Road for five blocks is not favored by an overwhelming majority of voters. That was then in 2015 and it is now. The Reports alleges that more businesses are now aboard, but I question whether a serious effort has been made to tap into the preferences of business outside of the choke points. It appears that the City staff only sought the opinion of those business inside the traffic choke points.

I also have serious concerns about the staff recommendations that we spend COVID relief money on this project. Despite spending an inordinate amount of limited staff time and city resources on this

agenda item, it does not appear that the city has done a need assessment of the impact of COVID on business and residents throughout Morgan Hill. Yes, the City will have \$8.6 billion dollars, but it is crucial that the city undertake a needs assessment of the citizens, families, and local mom and pop business to establish a budget and priorities for how relief money will be spent. That money can be used to help residents with back rent and mortgage payment to avoid evictions, to pay unpaid utility bill to avoid the cutting of services, to pay for burial expenses and medical bill related to COVID, to help small business for the losses they suffered (loss of inventory and profit) and to help them pick up again, to procure food for those with insufficient funds, to provide counseling services, to spend on infrastructure like to improve internet service so more people can use online services. It is important to identify the needs with community participation, establish priorities, and develop a budget for how to spend those \$8.6 millions before we start to spend it.

I urge you to follow the precedent set under the leadership of Mayor Tate in 2015 and table the matter until the Hale Avenue extension is open to vehicle traffic. Mayor Constantine was a council member back then, so he has first hand knowledge that despite all of the assurances given by city staff that negative detriments would not materialize and would not be a problem, that was not the case and extreme traffic congestion conditions arose, so much that experiment was terminated early. Here, today, the same conditions exist and we have more traffic flowing through Monterey Road than in 2015. There is a significant danger that extreme traffic disruption in and around the choke points that will detrimentally affect the health and safety of those families who live around the Monterey Road corridor if you reduce the lanes.

Regards,
Armando Benavides

CC: Supporters

From: [D. Muirhead](#)
To: [CC Public Comment](#)
Subject: comment City Council Meeting May 19, 2021 Item #6: Downtown traffic calming and Monterey Road lane reduction
Date: Monday, May 17, 2021 5:22:16 PM

Dear Morgan Hill City Council, Staff, and Residents,

A comment for City Council Meeting May 19, 2021

Item #6: Downtown traffic calming and Monterey Road lane reduction

I am strongly in favor in efforts to allow all of us to have multiples choices in the way we get around and for those choices to be safe and pleasant experiences, be you a fan of feet, bikes, skateboards, motorized chairs, or transit. And of course cars.

One of your written comments in the first packet ended with "Cars are not going away". And while it would be amusing to compare that attitude with those of the horse-and-buggy crowd on the "fad" of motorcars, that would miss addressing the real question for tonight.

The question tonight is not really about downtown. It is about who gets to make the decisions about what choices the rest of us have in choosing the way we get around and whether a particular choice is safe enough to be a real choice.

In my opinion, the City has done little in previous years to win hearts and minds for multi-mode travel options throughout the City. We have a General Plan (2016), a Park and Recreation Master Plan (2017), and a Vision Zero Strategic Plan (2018). Two other significant guidance documents are the Downtown Specific Plan (2009), and the Station Area Master Plan (2019).

Occasionally the Administration proposes a project and mentions Vision Zero or the Park and Recreation Master Plan as guiding documents. And some progress has been made with the Downtown Parks, the bicycle lanes and sidewalk improvements on E.Main, and the paving of part of the Madrone Channel trail.

We have very little ability to characterize how much use alternate modes of travel get, and I am not aware of any effort to do before/after data gathering for the E.Main and Madrone Channel changes. Yes, the pandemic changed behavior and made many things harder, but measurement should be a standard part of any travel-related project.

County Roads Senior Planner Ellen Tablo cited anecdotal evidence at the May 13 Traffic Safety Community Networks meeting about the increase in new walkers/bikers due to a greater sense of safety as a result of fewer vehicles on the roads and lower speeds in many neighborhoods.

The City Park and Recreation Master Plan (2017) has two organization

development and management categories that could provide the base for winning hearts and minds:

OM6. Continue to implement staff development and training programs on a wide range of topics such as customer service, cultural competency, health and fitness, senior and youth issues, and local history and culture.

OM7. Continue to engage all relevant City departments and divisions in planning, design, and programming, drawing on those unique and specialized skills and perspectives.

What relevant development and training has been accomplished? What are Best Practices for bicycle and pedestrian improvements and facilities? Are multiple departments working as partners on community engagement as well as project planning?

The City Vision Zero Strategic Plan (2018) has seven categories (Engineering, Enforcement, Education, Engagement, Evaluation, Encouragement, Equity) and 32 identified actions. How are we doing with those? Planner Tiffany Brown represents us on the new all-cities Vision Zero Task Force. What should we be hearing about that? MHPD Corporal Scott Silva appears to be our representative on Traffic Safety Community Networks. What should we be learning from that?

We have many people that respect how others are getting around. But in no way do I think that "sharrows" should be part of any of our streets. 2000 pounds of hard metal and plastic against 200 pounds of squishy stuff is not a contest in which I want to engage. And I consider myself to be a fairly confident recreational bicycle rider.

Let's have some equity in choice of travel modes. One travel lane and a "safety zone" to benefit bikers, pedestrians, diners, and shoppers through downtown.

Thank you for your consideration, Doug Muirhead, Morgan Hill

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From: [Maureen Cronan](#)
To: [CC Public Comment](#)
Subject: Content suggestion for meeting Wed!
Date: Saturday, May 15, 2021 5:01:28 PM

Hi there:

I just thought I would share a possible content question for the meeting on Wednesday.

There is almost daily, a major noise interruption by one or more cars that race down from the top floor of the public parking garage on 3rd and Monterey. Is there a way to tape off the top floor at a certain hour of the night or late afternoon?

It feels like American Graffiti every night but this is so not Modesto.

This noise headache cannot be enjoyed by diners on Monterey nor folks that live in the surrounding area. Seems like a simple fix.

Even post signs with a high fine threat if noise level is abused.

Thanks for listening,

Maureen

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From: Eric Wallace <[REDACTED]>
Sent: Monday, May 17, 2021 9:52 PM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Eric Wallace - Monterey Road Complete Streets Program

To: Morgan Hill City Council

I've been a property owner and proud resident of Morgan Hill since 1978. I opened my business in Downtown Morgan Hill in 1988.

Over the last 33 years I've watched our Downtown blossom into a destination where people want to visit, frequent the restaurants and shop.

I've been a member of the MHDA since 2006, served as President and Board Member, I've continued to be an active member and volunteer for the organization.

I was a MHDA Board member during the 2015 Traffic Calming and Lane Reduction study. I'm supporting the vision for the Monterey Road Complete Streets program. A vision to create a safe downtown for our community members from a pedestrian and gathering perspective. I supported the program in 2015 and am just as supportive today.

I'm asking the City Council members to please consider approving the Monterey Road Complete Streets vision by implementing the traffic calming and lane reduction design.

Thank you for your consideration. Eric Wallace

From: Joe Guerra <[REDACTED]>
Sent: Monday, May 17, 2021 12:25 PM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Monterey Road Complete Streets

Mayor Constantine and Members of the City Council.

I attended the recent workshop where the City talked about the possibility of making Monterey Road a complete street like the ones in Willow Glen and downtown Hollister. I have lived in Morgan Hill and still today drive through twice a week to go to our ranch near Henry Coe Park. I also have intimate knowledge of the complete street debate and implementation thereof in Willow Glen. I strongly support the pursuit of a complete street for Morgan Hill's downtown. There was much dissention in Willow Glen when the idea was floated there, but today I believe everyone would agree that not only can the street handle traffic just fine but it is dramatically more pedestrian friendly and has enabled very strong business growth by using the parking lanes for business use.

I look forward to the day when we can all stroll in downtown and casually dine without worry about speeding cars.

Thank you,

Joe Guerra, MPA
Guerra Solutions



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From: Waxman, Mark <[REDACTED]>
Sent: Tuesday, May 18, 2021 1:37 PM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: downtown lane reduction

I understand that you are collecting the sentiments of residents for sharing with council prior to the discussion tomorrow and wanted to offer mine.

While I do understand the challenges of cross town commuting during commute hours, we have in front of us the opportunity to make Downtown Morgan Hill a truly desirable place, better for residents and businesses alike. Every city, every community, needs a SENSE OF PLACE, and our downtown is just on the cusp of becoming that. More walkability and more enjoyable outdoor dining is what we need! We've already invested our tax dollars in parking and businesses – now it's time for council to finish the job.

Make downtown Morgan Hill a truly desirable destination – reduce the traffic/eliminate the extra lane.!

Thanks for allowing me the opportunity.

Mark Waxman

From: Rose Lopez <[REDACTED]>
Sent: Monday, May 17, 2021 4:39 PM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Downtown Morgan Hill/Monterey Road Complete Streets

Dear Mayor Constantine and Members of the City Council,

Thank you very much for giving me the opportunity to weigh in on the "Complete Street Traffic Calming" on Monterey Road. I have owned a home in Morgan Hill for over twenty years and I wanted to show my support for making the downtown area pedestrian friendly and helping the small businesses there. Being able to easily traverse on foot through the downtown area to shop and enjoy a good meal has been a dream of mine ever since I moved to Morgan Hill. Experiencing a truly walkable downtown area in places like Los Gatos, the Alameda in San Jose, and the Willow Glen downtown, for example, clearly shows to me that it's very possible to do; making it simultaneously a more enjoyable and safer experience.

Sincerely,

Rose

From: [Jennifer Bruhn](#)
To: [CC Public Comment](#)
Subject: Traffic downtown
Date: Saturday, May 15, 2021 8:10:52 AM

Dear city council of Morgan Hill,
I hope this email finds you well.

My name is Jennifer and I am a new resident of not only Morgan hill, but a resident at the downtown sunsweet apartments. Over the course of my 2 months living here, I am awoken almost every night by loud traffic from the parking garage and Monterey street. I now sleep with ear plugs. Yesterday was the 1st time I sat outside to dine “Betos” the food was delicious and customer service was great! I couldn’t however, hear the person I was having a conversation with. It could have been a pleasant dining experience minus the traffic. Please heavily consider consolidating the lanes.

Thank you for your time in reading this email.

Jenn

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From: [Emily Weigand](#)
To: [CC Public Comment](#)
Subject: Yes! Downtown to one lane!
Date: Tuesday, May 18, 2021 4:54:57 PM

Hello,

As a long time resident of Morgan Hill (22 years), I want to make sure to express my fierce support of reducing Monterey back down to one lane and bring back the beauty and accessibility of our downtown. We are one of the few lucky locations in the Bay Area that truly has a downtown and we should cherish and relish it. We have plenty of other ways to manage traffic without having people use the downtown area as a thoroughfare. It is not only a detraction but dangerous. Downtown Morgan Hill has been a draw for many new residents including young families and I want to see this continue as it not only brings new life and vigor to our population but also raises the property value and profile of Morgan Hill in general. Please make these changes and bring back the full potential of Morgan Hill's downtown.

Best regards,
Emily Weigand

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**Downtown Morgan Hill Traffic Calming
and Monterey Road Lane Reduction
May 19th Council Staff Report
Q & A**

1. What are specific examples of concerns about safety for customers and their employees from businesses?

Specific examples include:

- Cars driving within feet of where they are dining at high rates of speed
- Cars driving too quickly through the Downtown
- Visibility issues created by two lanes of traffic when walking across the street.
- Drivers not paying attention to surroundings.
- Drivers rushing to get through Downtown and not yielding to pedestrians and bicyclists.

2. What City of Morgan Hill guiding documents support traffic calming and/or a lane reduction?
 - [General Plan](#) (pages TR-6, TR-26, TR-32)
 - [Downtown Specific Plan](#) (page 3-2)
 - [Bikeways, Trails, Parks and Recreation Master Plan](#) (page 4-18)
 - [Redevelopment Plan](#) (page 18 of Pdf)

3. How does the City plan to mitigate traffic congestion (i.e. signs to instruct trucks and large vehicles to use alternate routes) and parking?

Traffic congestion cannot be completely mitigated, but more traffic can be pushed to Butterfield to support moving traffic without business in Downtown to an alternate route. The parking will be reviewed and much can be preserved as mainly 2 blocks will be impacted. Increased signage will also be recommended.

4. Can the City quantify how cities who implemented traffic calming measures have seen greater economic recovery?

The City does not have quantifiable data yet on the impact of COVID-19 on businesses. We have anecdotal data that businesses have shared. We continue to hear that businesses have acquired all debt possible and cannot continue to survive by acquiring more debt. Many businesses applied for loans and some applied for rent deferrals. As the economy starts to open back up, owners will be burdened to try to get their businesses ready for full

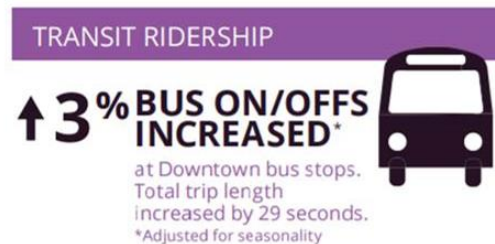
occupancy, which means hiring and retaining staff, which continues to be listed as one of the top challenges across all industries, as well as start to pay off new acquired debt and delayed rents. Small businesses still have an uphill battle as we work toward the new normal.

5. Will outdoor dining go away even after indoor dining is 100% back?

Studies have shown that the spread of COVID-19 is far less risky when outdoors. Many industries are re-thinking the way of doing business to include outdoor components as the new normal. This is across all sectors, from teaching/school, office, recreation and hospitality. There are many articles throughout the nation that elude to outdoor dining is here to stay as the pandemic has shown the benefits of outdoor lifestyles. Here is an article on "[Five Ideas for Rebuilding Retail in the Post Pandemic City](#)" from SPUR, a non-profit public policy organization that advocates for ideas and reforms to bring about system change in urban policy. The article discusses how cities must envision viable, long-term retail future for both people and neighborhoods by using retail as a tool for economic and social transformation by creating flexible, walkable streets that support community-serving economies.

6. How was public transportation effected during the 2015 Monterey Road Complete Streets Pilot Program?

The [Alta Planning + Design report](#) (page 17 in the link and page 8 of the report) outlines the impact to transit ridership.



7. Why is it that there are now limited changes the City can do to improve safety with the current roadway configuration? What about adding stop signs or crosswalk lighting?

All the intersections on Monterey have existing crossing lighting. If we added stop signs it would likely back up traffic even further than the lane reduction program, so we do not believe stop signs are a viable option.

8. Following the pandemic, what will happen to the temporary parklet installations?

Each business will then have to make a significant investment into engineering and constructing semi-permanent parklets which would be more expensive and inconsistent. The implementation of a lane reduction will provide an opportunity for the City to develop a consistent Downtown Place-Branding Program that will guide the aesthetics of future parklets and the long-term development of Downtown.

9. What is the approximate cost of a parklet?

Well-done, well-constructed parklets can be costly. A full parklet with infrastructure like a floor, sidewalks, planters, etc., could cost between \$25,000 to \$50,000, depending on the quality of the parklets. The City had created a parklet program over three years ago, way before COVID-19 and the businesses did not have the financial bandwidth to engineer, construct, or furnish the elements necessary for a parklet. The City was able to accomplish today's parklets only because of the Al Fresco Program that allowed the City to provide at no cost the water-filled traffic barriers. Going forward, the City will need to articulate the expectations for the parklets in terms of quality of design, especially if there is no financial assistance for this effort.

10. What are the key reasons to implement a lane reduction?

- Increased safety for residents and visitors using all modes of transportation
- Slowing the speed of traffic
- Create more space for community
- Increasing economic vitality
- Protecting our small Downtown from the regular cut-through traffic
- Repurposing space for people and businesses to thrive
- Reducing noise levels at the businesses and adjacent public space
- Increasing the distance of vehicles from residents and businesses

11. The 2015 Pilot Program indicated traffic volumes on the north/south streets on the West side (Peak and Dewitt) did not increase, therefore waiting for the Hale extension to be completed in 2023 should have no bearing on the success of the Monterey Road Lane Reduction?

The City does not have data on why the traffic volumes on the north/south streets on the Westside did not increase during the Pilot, although we can make assumptions, such as the traffic coming down Hale from the north did not increase and stayed relatively even. It was also likely that Butterfield was faster than using the West side streets. In 2015, traffic volumes on Butterfield did increase. There is also a strong possibility some stayed on Highway 101 instead of cutting through Morgan Hill.

12. How easy/ difficult is it to reduce the speed limit to 20 or 15 mph?

It is near impossible to reduce the speed limit below 25 mph. Monterey Road is an arterial street, but even residential is a minimum of 25 mph. Reducing it below that would create a situation that could render citations issued invalid.

13. Will the holistic approach associated with a Lane Reduction include, but not limited to, looking at the entire stretch of Monterey Rd from Cochrane to Watsonville Rd? Will it include major intersections like Dunne and Tennant?

Yes, the City will look at adjusting signal timing at the major intersections and look at signage to help move people to Butterfield.

14. Will additional signage be installed (e.g. trucks use Butterfield Blvd)

Yes, additional signage (temporary and permanent) will be installed to change travel habits for all modes of transportation as well as identification of delivery locations.

15. What is the cost of the Lane Reduction Program and how would this project be funded?

The fiscal impact of the first step is \$50,000 for the engineering and design consultants to support the design of an improved Lane Reduction Program and the associated Place Branding Design for the Downtown.

The next step of the program may range from \$200,000-\$400,000 depending upon the ultimate project scope.

Grant funding of approximately \$95,000 has been identified and it is recommended the remaining funds be allocated from the American Rescue Plan Act (ARPA) Funds the City will be receiving.

16. Will any of the ARPA funds the City is receiving be available to Morgan Hill business throughout Morgan Hill?

Yes, supporting small businesses to address negative economic impacts caused by the public health emergency is one of the ARPA funds allowable uses. However, replacing lost public sector revenue is one of the main allowable uses stated in the Treasury Department's recently released guidance. Local governments have broad latitude to use this funding to support government services, up to the amount of lost revenue. Morgan Hill has incurred significant revenue loss due to the pandemic. Staff will bring to the Council the mid-cycle budget adjustments on May 26, 2021 with the recommended uses of ARPA funds that prioritizes Council adopted strategic goals and priorities.

17. Can the City identify other businesses and help them also?

The City's economic recovery efforts have tactically stayed away from providing direct grants or loans as our local resources do not support such effort and would be short-lived with limited impact to the City-wide business community. Instead, our efforts to support business recovery have been strategic to collaborate with business partners to get information to the business community on County and State restrictions, loans, grants and financial programs and to support outdoor dining, curbside pickup, a Buy Local Campaign, an outdoor retail market and other forms of activations that enhance the public realm and support community and businesses. The City plans to continue the buy local campaign and find ways to support activations that support business recovery.

18. Is there a time limit for ARPA funds to be spent?

Yes, ARPA funds must be spent by 12/31/2024.

19. How quickly will the ARPA funds be available to the city?

As a non-entitlement city (population under 50,000), the City is expected to receive its first of two installments from the state (pass-through from the Treasury Department) in June 2021.

20. When will the ultimate project scope be completed and how will the Lane Reduction project be outlined?

We anticipate the project scope for the lane reduction to take approximately 3-6 months to develop with the proposed working group. We anticipate the project scope for the place branding including the development of the role of the private Downtown group to take at least 6 months.

21. Will a similar summary report for the communitywide survey be published?

Yes, since the survey closed on Sunday, May 16th, we have included it as Supplement #1 to the [staff report](#).

22. How much money did our city invest into downtown improvements (safety improvements, pilot programs, parking improvements) over the past 10 years?

The Downtown Placemaking Investment Strategy allocated \$24.6 M in Redevelopment Funds to create certain improvements in Downtown, including building a parking garage, improving side streets, improving the median south of Dunne Avenue, undergrounding of utilities, supporting the redevelopment of the opportunity sites, and making some streetscape improvements to Monterey Road. \$140K was spent on the 2015 Complete Street Pilot Program and approximately \$250,000 on projects related to the pedestrian lights, safety fencing, signage, striping and other improvements.

23. Did the city invite any critics to the Monterey Road Downtown Visioning Summit at MOHI Social?

Yes, the Eventbrite invitation for the Downtown Visioning Summit was sent to 158 Downtown businesses, Britton and MHUSD leadership, Downtown Business Association, Chamber of Commerce, City Council, and Commissions – total 191 invitations.

24. Who did the downtown only survey get sent to?

The Downtown survey was sent to Downtown businesses, Downtown Business Association, Chamber of Commerce, Britton/MHUSD leadership – total 181 e-mail addresses. Survey could have been forwarded to others from recipients.

Morgan Hill Bicycle-Pedestrian Advisory Group

Morgan Hill Parks and Recreation Committee
17575 Peak Avenue
Morgan Hill, CA 95037

May 17, 2021

Morgan Hill City Council
Attn: City Clerk

RE: Monterey Road/Complete Streets Traffic Calming

Dear Morgan Hill City Council,

Please accept this letter as our support for the City of Morgan Hill's Complete Streets Program and the goal of improving pedestrian and bicycle safety on Monterey Road in downtown Morgan Hill.

The Morgan Hill Bicycle-Pedestrian Advisory Group was formed by the City of Morgan Hill's Parks and Recreation Committee to promote and work for improvements that facilitate safe cycling, running and walking for recreation and transportation. The Complete Streets Program/Traffic Calming measures that the City of Morgan Hill is proposing are directly in-line with this advisory group's goals and objectives. Vision Zero is the gold-standard by which all of our objectives are based and the Complete Streets Program directly aligns with the Vision Zero plans.

Even though the City of Morgan Hill did a pilot lane reduction program in 2015 yet did not make the plan permanent, the City Council at that time recommended revisiting the lane reduction in the future. COVID-19 has had a dramatic impact on our traffic patterns. Along with the construction of the Hale-De Witt connector, Morgan Hill is set up in a better situation than in 2015. In addition, the City of Morgan Hill can glean a lot of knowledge from other traffic calming implementations in neighboring communities to deal with mitigating cut-through traffic and improving signage to improve safe traffic flows.

Thank you for your consideration of The Complete Streets Program and we all look forward to a safer, quieter downtown Morgan Hill.

Sincerely yours,

Morgan Hill Bicycle-Pedestrian Advisory Group



May 19, 2021

Morgan Hill City Council
Attn: City Clerk

RE: Monterey Road/Complete Streets Traffic Calming

Dear Morgan Hill City Council,

Thank you for reviewing the Monterey Road Complete Streets Project. I am a Morgan Hill resident and a downtown business owner. In addition, I am a board member on the Visit Morgan Hill tourism board, a regular participant on the Morgan Hill Bicycle-Pedestrian Advisory Group and Team Director of the South County Composite interscholastic cycling team. This topic is very near and dear to me.

The COVID-19 pandemic has drastically altered our lives and how we live in our community. Many people no longer commute to work on a regular basis. Many have re-discovered the outdoors and are spending a lot more time appreciating how amazing our little town is and spending more time recreating on our streets, paths and trails. We're all enjoying the outdoor dining that COVID has demanded from us. With these changes, it's the perfect time to re-imagine how we live and how we want our downtown to meet our needs.

The current transportation structure on Monterey Road is less than ideal. We're lacking a designated bike lane through the downtown corridor ("sharrows" don't count!). The bike lane on Depot Street was removed. Pedestrians crossing four lanes of traffic in un-controlled intersections on Monterey is risky and frightening for both pedestrians and motorists as people in the crosswalks are often not visible due to a car in the adjacent lane. Now is the time to make traffic for all users safer through downtown.

As a former resident of Willow Glen, we survived the road diet there and, as challenging as their project was, everyone would agree that downtown Willow Glen is better for it now. The City of Morgan Hill can learn from their mistakes and proactively address cut-through traffic on side streets with proper signage that would minimize impact during commute hours and work on communication to the public ahead of any lane changes.

With Butterfield Blvd being in place and the Hale-DeWitt corridor upgrades in process, now is the time to make downtown Morgan Hill the safe, beautiful destination that it can be. Please support this Complete Streets Project to benefit our wonderful city's future.

Thank you for your consideration,

Doug Hall

CEO/Co-Founder



May 19, 2021

City of Morgan Hill Council Chamber
17555 Peak Ave
Morgan Hill, CA 95037

Re: Downtown Traffic Calming and Monterey Road Lane Reduction

Dear City of Morgan Hill Council Chamber,

Eden Housing is a non-profit affordable housing developer, owner, and operator with over 50 years of experience in tackling affordable housing from all angles with a current portfolio of approximately 10,000 apartment homes within 150 properties throughout California. Here at Eden, we believe that home is where your start is.

Every day, through our work, we create and operate the housing needed to make sure that our neighbors have a place to call home. Being a California based developer and headquartered in the high-cost Bay Area, we are clear about the need for safe affordable housing, and we want to do our part – alongside our partners, State, and local agencies – in helping bridge the gap for our communities. It is the sense of community that is a fundamental component in our founder's vision for Eden.

We currently own 285 apartment homes in the City of Morgan Hill that is home to 833 of our residents. Furthermore, we are the owner of the Skeels Building located on Monterey Road – that is home to some of our Morgan Hill residents and is the location for business owner Dan McCranie's Ladera Grill restaurant.

On behalf of Eden Housing, we stand with the City of Morgan Hill and local business owners in its effort to address safety concerns due to traffic speed on Monterey Road. It is our belief that not only will this create a safer environment for pedestrians, but it will also serve as an opportunity for local business to thrive by creating a more inviting environment and allowing for more outdoor seating space – while also embracing climate control measures by creating a dedicated lane for bikes, pets, and pedestrians. We continue to support the communities we serve, and we thank the City of Morgan Hill for its partnership and leadership in the community.

Sincerely,



Linda Mandolini,
President and CEO

From: Amber Vo <[REDACTED]>
Sent: Wednesday, May 19, 2021 8:56 AM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Public Comment - Monterey Road Traffic Calming

Hi,

I'm Amber, a Downtown Morgan Hill home owner and small business owner. I am writing in support of the Monterey Road Traffic Calming proposal. One of the top reasons my husband and I bought downtown was for the walkability and convenient lifestyle downtown living brings, as well as the safety of the area. We enjoy daily strolls through downtown, walking to dinner once or twice a week, and being in close proximity to all our wonderful downtown events. The sight, sounds and smells that come along with grid-locked commuter traffic, or speeding vehicles during off hours, was not one of the appealing features that brought us downtown.

I will say living downtown I rarely use Monterey between Main & 5th for any sort of commuting. I only travel that section of Monterey when I am being nosy and want to check out the downtown scene. Being East of Monterey - I take Depot to either Main or Dunne for all of my commuting needs. I don't think commuter preference should come at the cost of improving the heart of our downtown. It is a valuable asset that deserves our attention and it's development is good for property owners, business owners, and Morgan Hill as a whole.

I hope that we move forward with this proposal. And I hope care is taken to ensure the improvements fit the visual language of our downtown and are well thought out with quality, sustainability, functionality & cohesiveness in mind. I think it would be easy to not do this right, so I hope we partner with experts in the field to ensure this is a real improvement to downtown.

Thanks for your time.

Best wishes,
Amber Vo

From: Joe Baranowski <[REDACTED]>
Sent: Wednesday, May 19, 2021 9:58 AM
To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>; Yvonne Martinez Beltran <yvonne.martinezbeltran@morganhill.ca.gov>; Rene Spring <Rene.Spring@morganhill.ca.gov>; Gino Borgioli <Gino.Borgioli@morganhill.ca.gov>; John McKay <john.mckay@morganhill.ca.gov>
Cc: Christina Turner <Christina.Turner@morganhill.ca.gov>; Edith Ramirez <Edith.Ramirez@morganhill.ca.gov>; Michelle Bigelow <Michelle.Bigelow@morganhill.ca.gov>
Subject: Monterey Complete Streets deserves an Incomplete - especially regarding Public Safety

Hello council members:

At the April 23rd "Visioning Summit", Mr. Leal was the only person to provide a concrete rationale for redesigning Monterey road through downtown saying: "The goal is, is to get folks to come here on the weekends, enjoy our farms, our wineries our retail shops and then go back home. Spend your tax revenue, let's earn some tax revenue, go back home so we can build less houses, less fire department and police and all that, let's just get em here spending their money and they can go back."

That for-profit businesses end goal is to increase sales in their enterprise should surprise nobody and when successful does have the benefit of increasing sales tax which is a public benefit. Improving walkability, connecting people, making a five-block area safer for bikes and pedestrians, "slowing the roll" and all the other hyperbole that is being tossed around become means to the end.

However, no data has been presented to show that "traffic calming" by itself will achieve that goal. The previous lane reduction in MH did not increase sales and data available to the public from Willow Glenn [1] showed a marginal ~2% increase in restaurant sales compared to other parts of the City and no benefit to other retail. Despite a lot of hand-waving about the impact on 'economic vitality' road diets have had in other locations, City Staff has presented no real, verifiable data to support those claims. Why? Attached to the agenda item is a Bloomberg article showing greater *consumer interest* "based on the amount of views, posted photos and user reviews on Yelp listings" which, I hope, isn't something that a decision to allocate hundreds of thousands of dollars or more would be based on.

Whether it be in recognition that traffic-calming does not achieve his goal or for other reasons, Mr. Leal "raised the bar" and produced a rendering of a major redesign that includes parklets – essentially the conversion of public space for the use by the few private businesses who just happen to be lucky enough to be facing the portion of Monterey where the parklets will be located. The City took his cue and a request to revisit traffic calming turned into something much different. That extra real-estate, allowing for greater guest capacity, may make it possible for restaurants to increase their revenue when traffic-calming by itself does not is rather obvious and may be a good idea. Of course, "raising the bar" also significantly raises the cost to complete the project AND creates an exceptionally large number of additional questions.

Unfortunately, after that 'visioning summit', the discussion by proponents turned to one as if safety, protecting our families and preventing accidents is the only thing under consideration. Until the staff report was released, there was almost zero transparency and zero information on what the traffic calming projects is in totality – an attempt to get folks to come here on the weekends and increase tax revenue with the conversion of public space for private use as the key. Now you are being asked to approve funding of \$50,000 "for initial funding of Engineering and Design consulting work" while being told "future costs for the program may range from

\$200,000-\$400,000 depending upon the ultimate project scope” and “it is estimated a semi-permanent installation designed to transition to a permanent installation could cost over \$200,000-\$400,000 to initiate.”

May range? Could cost \$200K - \$400K to initiate? To address the total INCOMPLETENESS of this request, especially focusing on the complete lack of any clear policy for overall use of American Rescue Plan (ARP) funds or even a mention of plans for how the more than a hundred other restaurant and hotel businesses in MH who have been impacted by COVID-19 and are deserving of assistance from ARP funds will be helped is not necessary. In my opinion approving the requested actions, in this budget environment, based mostly on hyperbole and with no concrete deliverables or accountability for future fund requests would be so irresponsible it is shocking that it is even being requested.

I do however wish to point out the disregard for public safety embedded in the proposal. In order to ‘explain’ why the last time this was tried failed to achieve the real goal the “this time is different” story is being used. Here are some things that are different that have **not** been mentioned:

- 1) Shoe Palace’s 500,000 square foot, 64-dock distribution center is built.
- 2) Trammel Crow’s 410,000 square foot, 51-dock warehouse on Butterfield is under construction with a completion target date of early 2022.
- 3) High-density housing, with a unit increase of 80% above what was originally allowed for is expected to be built at Madrone Parkway and Monterey .
- 4) COVID-19 impact on Evergreen Village is likely going to ask for a “transition” to something other than retail - meaning more residential is likely.
- 5) Same for Target Phase 2 whose developer is requesting General Plan and Zoning Amendments to allow conversion to residential units over a substantial part of the project.
- 6) The 2019 Standards of Coverage for Fire & EMS services is complete with the results accepted and well-known which concluded that:

- traffic congestion affects response times in core areas of the City
- a third staffed fire station is needed to meet current demand generally accepted
- response time standards and average unit travel times are 2-3 minutes slower than generally accepted standards.

On January 24, 2020 the *current* situation *then* was summarized by Chief Hess: “we are looking at what are some ways we can pivot to have a more nimble response time for these EMS calls, but it doesn’t negate the need for the 3rd company. And example is, if you look at, the troops in the stations, they’ve been telling me you need a station out by Target on the other side of 101, that’s where all the growth is, we’re totally unprotected out there and I tell then that’s true however having the 3rd station at Butterfield and Dianna will get us an effective response out to that area right now because we’ve already shown the need, the majority of our calls, 68% of our calls I the City are medical.”

Now, while addressing what is supposedly an urgent and high priority need to improve the street safety of a five block area of downtown, in order to alleviate residents concerns about traffic the staff promises that “should the Lane Reduction Program move forward, City staff and consultants would develop a comprehensive plan to support the movement of traffic off Monterey Road and to Butterfield” while using a who knows what was even measured ‘data point’ from the 2015 pilot that “showed no reduction in emergency response time and through the design process the City would work to continue to achieve that goal”. This is truly remarkable. A ‘plan’ to move more traffic to an area that is already a main point of Fire and EMS response time concern based on a detailed study that was done in 2019 and by ANY reasonable assumption has already become and is going to become much worse.

Until the third fire station is built and staffed EVERYTHING POSSIBLE to reduce adding to the already highly congested Butterfield/Cochrane area that would make the “totally unprotected” northeast quadrant of the City subject to even worse Fire & EMS response times should be a highest priority in every decision regarding new projects and their impact. Instead, the exact opposite is being done yet again and the dichotomy between priorities and principles in Public Safety could not be starker.

The complete streets project proposal being presented is incomplete at best, has not addressed equity or fairness in allocation of ARP with other impacted businesses, leaves the long term budget consequences completely unknown and unbounded, suggests a ‘solution’ to appease public concern regarding traffic that will certainly make a well-known problem with Public Safety in a large swath of the City significantly more dangerous and should be rejected.

Regards,

Joe Baranowski

[1] This detailed report from June 2016, is a summary of traffic (mostly) and economic related impact which the LINCOLN AVENUE ROADWAY CONFIGURATION PILOT PROJECT had after one year. It is the only report I was able to find after quite a bit (but not exhaustive) searching and this report is referenced quite a bit in other news reports.

http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2142&meta_id=581818

The report says: “The City of San Jose currently has access to three quarters of sales tax data (Q2, Q3 and Q4 2015) since the pilot project was implemented on February 27, 2015. The dataset covers all businesses on Lincoln Avenue between Lonus and Minnesota Avenues, as well as businesses on Minnesota Avenue approximately one block to either side of Lincoln Avenue, roughly between Blewett Avenue and Iris Court. This area corresponds closely to the portion of Lincoln Avenue affected by the pilot roadway configuration.”

And then it goes on to list these “key findings”:

- Total sales tax receipts in the three quarters of 2015 since the pilot was implemented are slightly higher than in the same quarters of 2013 and 2014 prior to the pilot.

- “Food Products,” a category that includes restaurants, grocery stores, specialty food stores and liquor stores, are the largest contributor to sales tax in the Business District, accounting for approximately half of total sales tax receipts.
- Sales tax receipts in the Food Products category have been increasing in the Business District over the past three years. Downtown Willow Glen Food Products tax receipts for Q2-Q4 2015 are 7.9% higher than the same period of 2014.
- “General Retail” sales tax receipts remained constant from Q2-Q4 2014 to Q2-Q4 2015. This category includes apparel, sporting goods, furniture, drug stores, jewelers, gift shops and other miscellaneous retail.

So, General Retail sales tax showed no increase and Food Products in the area where all the ‘traffic-calming’ was done increased by 7.9% (year over year) but notice the report did not reference what happened in the rest of the City. This article adds the missing context <http://www.cyclelicio.us/2016/san-jose-willow-glen-sales-tax-receipts-outpace-rest-of-city/>.

“City wide, sales tax revenue for restaurants is up six percent for the final three quarters of 2015 (April 2015 through December 2015), compared against the same period in 2014. By COMPARISON, restaurant revenue on Lincoln Avenue is up eight percent, or 30% more than the city as a whole.”

In summary there was a $(7.9 - 6) \sim 2\%$ absolute difference in food sales tax and 0% (no difference) in general retail. That report was after the first year of lane reconfiguration including the addition of a bike lane.

From: John Razumich <[REDACTED]>
Sent: Wednesday, May 19, 2021 11:19 AM
To: CityClerk <clerk@morganhill.ca.gov>
Subject: Monterey Road / Complete Streets Traffic Calming

Council Members,

I'm writing to express my deep support for Monterey Road / Complete Streets Traffic Calming. My name is John Razumich, I am an owner at Imwalle Properties, and a Morgan Hill native. Our firm recently completed the Opa, Mo's, Willard Hicks and Tac-oh development at the corner of Monterey and Third. In addition we are the master tenant for Orange Theory Fitness and Coffee Guys and enjoy a working partnership with the city to maintain and operate the plaza and public connections to the 3rd Street garage.

Covid-19 has decimated our nearly 100 tenants with pronounced headwinds placed upon our restaurant and service sectors. Prior to Covid, the restaurants faced dwindling profit margins created by rising labor costs, food costs, and surging delivery app charges, which ultimately has necessitated increased sales volumes to break even. Fold in Covid-19, and restaurants have zero bandwidth to weather the continuous months of negative cash flow (despite free rent). With the lack of local, county, or state support, and limited PPP funds, landlords and tenants have been left to fend for themselves. We need your help.

We, as a landlord, have written off a notable amount of 2020 outstanding rent. It's the least we can do for our tenants, and it's not enough. By increasing dining seats and providing a safe and vibrant experience for patrons, it will catalyze the recovery and allow restaurants to begin unloading their heavy debt burden. Regardless of Covid, long term, this is the path forward to a sustainable and more vibrant downtown.

One of our major concerns (years ago) with downtown is the lack of outdoor dining. During much of California's good weather it's the preferred seating for our patrons. Morgan Hill's current public right of way configuration is holding it back. The sidewalk bifurcates outdoor dining areas forcing restaurants to awkwardly layout disjointed seating arrangements on both sides of the sidewalk and pushing pedestrians through tight patio dining areas. We ultimately had to use valuable land to create an outdoor dining patio and without that patio we would have never secured any of our tenants. This reconfiguration can give Restaurants the canvas needed to create vibrant and appealing outdoor dining that will serve well to activate downtown and foster new investment.

In the past, the primary objection to restaurants in a downtown was the "closed off" experience and nature of indoor dining. Outdoor seating (done right) creates that open ended interactive interface people want. It's the reason a downtown restaurant is preferred over a location in the back of a retail strip center. People want to be outside, run into friends, and be a part of the community and its vibrancy. Nobody wants to dine on an empty street or an inward facing restaurant. The city needs to adopt this change as downtowns are living breathing entities that need to accomodate changing consumer demands in order to thrive. Thank you for your time and consideration!

Regards,

John

John Razumich

Imwalle Properties

From: Karen Pace <[REDACTED]>
Sent: Wednesday, May 19, 2021 3:27 PM
To: CityClerk <clerk@morganhill.ca.gov>
Cc: Steve Pace <Steve.pace@cushwake.com>
Subject: Downtown Traffic Calming

To Whom it may concern:

My husband and I are writing in with support for Downtown Traffic Calming in Morgan Hill. We are Downtown property owners and feel Downtown tenants, restaurants and businesses will benefit from less traffic and a safe, welcoming and walkable Downtown.

Thank you for your consideration.

Karen and Steve Pace

From: Laura Gonzalez-Escoto <[REDACTED]>

Sent: Sunday, May 16, 2021 5:00 PM

To: Edith Ramirez

Subject: Monterey Corridor Project

Just a few quick notes/input on the Monterey Corridor Project:

- Early warning signage. Signage heading south, in particular, warning that Monterey will become one lane, should begin long before Main and Monterey. I wish we could reduce the lanes at Britton as now students run across 4 lanes to get donuts! And they are so easily distracted. We have been lucky that there has not been pedestrian accidents.
- Delivery Trucks: A common sight along Monterey Rd. is for delivery trucks to park on one lane of Monterey Rd. to make deliveries. They figure cars can simply go around them. This will be a challenge as side streets are also 2 lanes and have a mix of residential and businesses. We will need to spend some time re-routing delivery trucks to safe places for traffic, pedestrians and residences.
- "Gotta Getaway": Likely drivers will look for ways to develop a short cut to avoid Monterey Rd. where it narrows down. West Main is a school route to Britton, PA Walsh, and St. Catherine's. Those living west of Monterey Rd. along Del Monte and the side streets, and those off of Depot, may find it difficult to drive west on Main to deliver their kids to school.
- I strongly support strengthening our vital business district and recognize the downtown is the heart of the City. Having worked in Redevelopment in Morgan Hill in its infancy, this is the area we put our attention to. We also invested in Butterfield as we foresaw the potential of the Downtown. The one lesson I learned early on is that we need to intentionally involve everyone in the areas we seek to improve. That is why when I retired I requested a change to the Downtown Association Charter to reserve at least one seat for a downtown resident. Maybe we can think about ways to hear from downtown residents as we move forward.

Thanks Edith.

From: Laura Gonzalez-Escoto <[REDACTED]>

Sent: Wednesday, May 19, 2021 3:17 PM

To: Edith Ramirez <Edith.Ramirez@morganhill.ca.gov>; Chris Ghione <Chris.Ghione@morganhill.ca.gov>

Subject: Tonight's Council meeting on lane closure in the downtown

I previously sent input to Edith. One more item. I believe the residents living near Wright and/SantaTeresa made an additional comment about pedestrian safety. With new apartments going up on Monterey, and more traffic soon to be diverted to Santa Teresa, it makes sense to improve this intersection to enhance safety. There are no overhead street lights there and many existing residents cross at the site to get groceries and other goods. As you know, the small shopping center at Main and Santa Teresa have invested in significant improvements. It is a very busy place! I hope that pedestrian safety at SantaTeresa and Wright can be completed and paid for as part of the Santa Teresa project. These are very legitimate concerns by an important but often neglected neighborhood in our City. Thanks.

Laura Gonzalez- Escoto

Sent from my Verizon, Samsung Galaxy smartphone

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From: [Rhonda Staton](#)
To: [PIO](#)
Subject: Monterey Rd/Complete streets
Date: Tuesday, May 11, 2021 8:47:36 PM

Hi there- I participated in the virtual town hall on 5/6. I posted some questions that weren't answered and it was mentioned that they would be answered by e-mail, but I have yet to receive an e-mail response.

So, I will pose those questions, and some additional ones here in hopes of getting a reply.

First of all, I'd like to say this was my first time participating in a meeting about this subject so some of this information and logic was new to me. To that end, I tend to be an analytical thinker by nature, and I found myself quite perplexed at times for a variety of reasons at the reasoning/justification used for some of this argument for the narrowing of the street, as it was clear that the entire presentation was leaning towards that as the only viable option that was being presented. What I took away from that meeting was that the claim is that this plan is really about safety, but also to increase foot traffic to the businesses, maybe not in that order. Based on that underlying understanding, here are my thoughts/questions/concerns:

1) Again it was clear that the presentation was not unbiased. However, towards the beginning there was an "option 1" presented, and an "option 2" presented, yet the majority of the rest of the presentation and discussion were ONLY about option 2 of reducing lanes; which seemed odd to me. If we have 2 options to chime in on, why weren't both options explored equally?

Just from a logistical, financial and logical perspective option 1 seems much more feasible, easier to implement and cheaper. Why not try stop signs and/or speed bumps, maybe even overhead blinking lighting (instead of only on the ground) at crosswalks? Why not try the cheaper option first? And see how that goes?? The only argument against option 1 presented later in the presentation was that it was tried before, and yet... so were lane closures (at least 2x since I've lived here); so that argument falls flat to me. If there were additional stop signs, it would inevitably slow traffic; which on the surface it seems is the ultimate goal; considering the majority of the argument that was repeated multiple times was about safety.

2) Speaking of safety, I don't remember statistics being presented about the safety incidents that have been occurring downtown related to traffic; thus the entire argument about the need for change. Maybe I missed it, but if there was such a huge problem of speeding, why is MHPD not visibly present downtown? I literally NEVER see them downtown unless all streets are blocked off and there is a festival going on. If speeding is such an issue, what about cameras that snap pictures and send tickets? What about visible police presence, in addition to my suggestion of #1. These seem to be logical problem solving solutions to a speeding problem. Are we saying that we have incidents of pedestrians being hit by cars and therefore we have a public safety issue here? If so, my guess is that these stats would have been presented.

3) What is the logic about trying to implement this before a known workaround will be done (Hale avenue)? Why is it being proposed to trying this before that's completed to see how much that alleviates traffic in downtown?? This doesn't make a lot of sense from a logistical standpoint since that plan is already in place, it seems.

4) It was stated during the presentation that the majority of people that use Monterey Rd don't live in our community. Please cite your sources. I find this really hard to believe, and wonder where this data gathering is coming from?

5) If the argument is truly for the safety of pedestrians, and the solution presented was to combine a lane where pedestrians and bikes share, this sounds similarly like a safety issue as well. Are there research studies that prove that this is safer than sidewalks and crosswalks?

Ultimately I was struck by the inferred assumption that most everyone that lives here works here, and the overarching denial that we are a commuter town. It sounds like people that live and work here got together and concocted this plan, because they don't want people driving through downtown; which seems to be the ultimate motivation.

However, the reality is that Morgan Hill IS a commuter town, any way you want to slice it. Shaming people for trying to get to/from work and have more time with family is irresponsible in my opinion. Instead, the marketing pitch could be about stopping and grabbing dinner for the family on your way home! Monterey Road is a thoroughfare and probably always has been. I totally understand wanting to have alternative options (like Butterfield and Hale), which can alleviate congestion on 1 route; but to further congest a route (by reducing lanes) when other options aren't totally available seems like we're missing the whole point. Except if the point is not really about safety, but instead about disincentivizing people for using a particular route.

Ultimately, I believe we are missing out on an opportunity, to embrace/own our identity as a commuter town. We could be deemed "the cutest little commuter town in the Bay Area"... but when we deny being a commuter town we miss this opportunity.

Similarly, if your claim is correct that people don't live here who are driving through... and their only viable options were 101 or only Butterfield (which is basically the admitted only alternative right now)... they'd never see our cute downtown and never want to come back to spend time here. Doesn't that defeat the purpose?

The reality is, people driving through any town are more likely to stop and grab something to eat etc. on their way through. If we had more quick options this could be even more enticing and encourage more stopping by for the commuters or anyone else.

Look at what happened when they re-routed route 66 in sections... people still go to the old route 66 in the sections where they can so they can stop at the little shops.

We also don't have any signage on the freeway about the positives of Morgan Hill, pointing people to how great our little town is. So, if we don't want commuters driving through AND we're not asking drivers to stop as they are going by on the 101.... another missed opportunity.

We are not Los Gatos, we'll never be, and goodness gracious I don't want to be. I keep hearing people trying to compare our downtowns, and it's not relevant.

I've lived here for 14 years within walking distance of downtown that entire time. For some of those years I worked in between San Jose and Salinas. For the last 9 years I've worked in South San Jose. I use 101, Monterey Rd and Hale or even around to Peak once I'm in MH, based on traffic. Everyone I know in MH does not work here. We are the commuters. Your neighbors.

Simultaneously, I have never seen an accident downtown, while commuting, or while

spending time downtown on evenings or weekends. I also have never seen police downtown. Additionally, the loud cars aren't just downtown, they speed up/down Dunne as well at all hours of the night... so it's not a noise problem that is specific to downtown.

On another note, after the town hall I took the survey and was rather disappointed in the skewed questions which clearly were meant to get responses that you want, even forcing answers for questions when I didn't agree with any options, but I couldn't submit it without answering the question.

So, besides the above, my overall feeling is a being left a bit disappointed in my town for not thinking critically (or presenting information in a critically thinking manner) , for presenting 2 options but only really talking about 1, for sending mixed messages about what the intent truly is...and for sending a survey that only serves the interests of those that want this to happen.

I wouldn't be opposed to any particular plan if it were thought through, logical, financially makes sense and presented in a manner where it is conveyed that you believe that the citizens of this town are educated, smart, bright, analytical individuals and can handle straight talk and key information.

Thank you,
A concerned Morgan Hillian...
Rhonda

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From: [Rob Zvara](#)
To: [PIO](#)
Subject: RE: Monterey Road/Complete Streets Downtown Traffic Calming Survey - Update!
Date: Tuesday, May 11, 2021 4:13:08 PM
Attachments: [image001.jpg](#)

The Survey answers were leading, I found the survey to be poorly implemented. I got the impression that Morgan Hill is not looking at what they have already done. Looking at what happened in the past is smart so History does not repeat itself.

Have you learned nothing from the "experiments" to reduce the lanes? Someone really needs to look at the impact it had the last time they did it and understand why it was changed back. There is a good reason why it did not work.

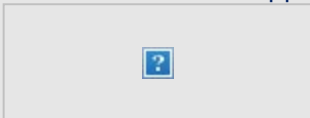
One suggestion I have not seen and that is to just close downtown during certain hours. Do not close it during commute hours, this will just make the commute into and through Morgan Hill a complete nightmare. May not be too bad right now but as more people return to work it will become a complete mess. You say it will force people to take other routes, this is true. Since the other routes are already congested it will make the traffic far worse. This will cause additional smog and be hard on the environment.

Also, since you plan to reduce parking, people that cannot walk far will now avoid downtown.

Another thing I have not heard mentioned is to run the train at night. Wouldn't that be a slick way to get people into Downtown without the additional traffic?

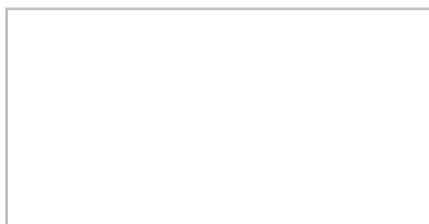
So many options and all you want to do is close lanes and eliminate parking. They really need to put someone in charge that is not trying to make the businesses happy at the expense of the local residents. Morgan Hill Downtown has such promise, please do not mess it up.

Rob Zvara
MeiVac Customer Support



Main (408)362-1000
Direct (408)414-4370
Mobile (510)508-8133
Web: www.meivac.com

From: City of Morgan Hill <michelle@mhcrc.ccsend.com> **On Behalf Of** City of Morgan Hill
Sent: Tuesday, May 11, 2021 3:51 PM
To: Rob Zvara <Rob.Zvara@meivac.com>
Subject: Monterey Road/Complete Streets Downtown Traffic Calming Survey - Update!



Monterey Road/Complete Streets Downtown Traffic Calming Communitywide Survey Update

Hello Morgan Hill Community,

We have heard you, and thank you for your feedback!

Yesterday, we released a community survey used to collect feedback from Downtown businesses, residents, and stakeholders to assist in the discussion around Traffic Calming, Business Recovery, and Safety for the Downtown Business District. Our intention was also to get feedback from the community at large. However, given the feedback we have received, it is clear we should have created a new/different survey for the community. Seeing that we received over 800 submissions on the first day, we will keep this survey open and throw out the question (#9) that had fixed answers on what the lane reduction could do and offered no opportunity to provide your own comments.

Please note that this survey is not statistically valid and is one tool to better understand what needs to be improved to support business recovery and improve safety Downtown. This is a part of our business recovery efforts and comes at the request of both the Downtown businesses that are struggling and the community that is asking for more gathering space and safety improvements. This survey is one of several data points that we will use to provide recommendations to the City Council on Wednesday, May 19th. In addition to this survey, to collect feedback from the community, the City hosted a [Visioning Monterey Road Summit on April 23rd](#) and a [Townhall meeting on May 6th](#).

A lane reduction has been identified as one of the best ways to slow traffic, improve safety, and create more space for the community and businesses. The City Council will review this approach along with any other staff recommendations and direct staff on how to proceed with Downtown improvements.

We appreciate the engagement and participation and encourage you to share your opinion by emailing us at ccpubliccomment@morganhill.ca.gov or attending the May 19th Council meeting.

If you have not already done so, please complete the survey by visiting <http://bit.ly/DowntownTrafficCalmingSurvey> by the end of the day Sunday, May 16th.

For more information on the Monterey Road Complete Streets project, visit <http://www.morgan-hill.ca.gov/2023/Monterey-Road-Complete-Streets>.

Thank you, and enjoy your week!

City of Morgan Hill | www.morganhill.ca.gov

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [Margot Kakalec](#)
To: [PIO](#)
Subject: Re: Monterey Road/Complete Streets Downtown Traffic Calming Survey - We want to hear from you!
Date: Tuesday, May 11, 2021 3:48:03 PM

I did & I want 2 lanes each way, I just went through town Thursday & Friday & there were huge trucks delivering supplies to restaurants blocking one lanes 2 or 3 places in town. What happens if there is only one lane each way?????

Sent from my iPhone

On May 10, 2021, at 4:10 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:



Monterey Road/Complete Streets Downtown Traffic Calming Communitywide Survey



Hello Morgan Hill Community,

We want to hear from you! The City has conducted a series of meetings with the Downtown community and greater Morgan Hill community on the "Vision of Downtown," including how Monterey Road could be reconfigured to improve safety and how we can repurpose outdoor space for our community and businesses to thrive, gather, and improve economic vitality.

Before returning to the City Council on May 19th with a recommendation, we want to better understand the issues important to you. Please take a few minutes to complete this survey by Thursday, May 13th.

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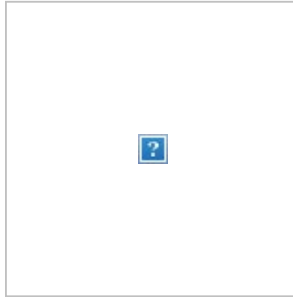
Have a great week ahead!

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [Diane Oxtot](#)
To: [PIO](#)
Subject: Re: Monterey Road/Complete Streets Downtown Traffic Calming Survey - We want to hear from you!
Date: Monday, May 10, 2021 10:26:50 PM

This survey is a prime example of how people can manipulate the questions on a survey to get the results they want. Great lesson for HS students in statistics to understand why you can't look at data without taking a serious look at how the questions were worded.

Sent from my iPhone

On May 10, 2021, at 4:10 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:



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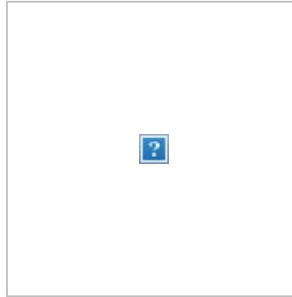
Have a great week ahead!

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [Janet Ferreira](#)
To: [PIO](#)
Subject: Re: Monterey Road/Complete Streets Downtown Traffic Calming Survey - We want to hear from you!
Date: Tuesday, May 11, 2021 9:16:17 AM

I've taken your survey, but neglected to include a note in the "Other" space. Again, I was very opposed to the 2015 calming efforts. But after living with it for awhile, I actually did find it more pleasant and peaceful. With one exception: traffic speeding through on Monterey Road. If you do choose to go ahead with the project, I would ask that the city provide much more frequent police monitoring and to cite speeding drivers. The environment of our charming downtown will not improve much if speeders are allowed to fly through those few blocks.

Sent from my iPad

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Have a great week ahead!

City of Morgan Hill | 17575 Peak Avenue, Morgan Hill, CA 95037

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From: [Daniel Redfield](#) [REDACTED]
To: [CityClerk](#)
Subject: Resident Feedback - Downtown Traffic Calming and Monterey Road Lane Reduction
Date: Tuesday, May 18, 2021 12:32:55 PM

To Whom it Concerns:

As an 11 year resident of Morgan Hill I have enjoyed watching and participating in the enhancement of our downtown and Monterey Road space. I have been able to witness the small non-descript businesses that lined the downtown, develop into a destination for Morgan Hill residents and bay area colleagues and friends. I would like to add my support to the current initiative to reduce the Monterey Road traffic between Main and Dunne and convert one lane in each direction to a cycle/walkable egress for downtown shops and restaurants that have been recovering from COVID-19 mandates, through the cities expansion of approval for outside dining through the use of sidewalk and curbside accommodations. I recommend we take the next logical step to make these outdoor spaces even more useful and enjoyable through downtown car lane reduction. I have visited many other cities that have struck the right balance of car access and bike/walk friendly blocks and as a whole the quality of life and the property value both tend to go up. I expect the same will be true for our city, and would ask that efforts be made to pass this initiative.

**Morgan Hill
CA**

**City Council Staff Report
3089**

Downtown Traffic Calming and Monterey Road Lane Reduction

Regards,
Daniel Redfield
[REDACTED]

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Item # 06

AGENDA DATE: 05/19/2021

SUPPLEMENT # 6

From: Alex Vo <[REDACTED]>
Sent: Wednesday, May 19, 2021 6:14 PM
To: CityClerk <clerk@morganhill.ca.gov>
Cc: Wifey <[REDACTED]>
Subject: Street Calming Support

Hi,

My name is Alex Vo and I am a resident and business owner in the downtown business district on E. 5th street. I just wanted to share my support for the street calming efforts that has been presented to us and I feel like this would be a huge benefit for the community. As a downtown resident, I love walking our dogs throughout downtown and to imagine that Monterey road could be even more walkable allowing more space for pedestrians and bicyclists, I think this would be a huge benefit for residents and businesses in the area. I think it would encourage more people to explore the downtown area and encourage more opportunities to hangout and lounge in the beautiful outdoor seating spaces throughout the area.

I know there has been a lot of controversy on whether this would cause more traffic but as I personally come and go often for work, I normally take Depot St. to avoid traffic when needed and if I'm not in a hurry, I always drive through downtown to enjoy the tree lights and ambiance from our local restaurants and businesses. Allowing for slower traffic in this area would also give others the opportunity to take it slower and maybe notice restaurants or businesses that they have not explored yet. My wife and I frequent Los Gatos and Willow Glen often and we believe that Morgan Hill has the same opportunity to stand out in a similar way if given the opportunity. Thank you for considering my public comment and please let me know if there's anything I can do to further support the efforts.

Best,

Alex Vo
Producer / Director

ELEVATIVE

From: Erin Gil <[REDACTED]>
Sent: Friday, May 7, 2021 3:26 PM
To: Chris Ghione <Chris.Ghione@morganhill.ca.gov>
Subject: Downtown proposal to eliminate 2nd lane .

Good Afternoon Chris ~ Thank you for yesterday's presentation and opportunity to verbally participate.

A few observations: 1. I am in support of the project.

2. Traffic will continue to be a problem. Not because of what the City of Morgan Hill is attempting to do in improving it's downtown area; but, rather due to the lack of infrastructure available from major throughfares: Hwy 101, Monterey Rd., Hale Ave, Mckean Ave, etc. The bottleneck will continue until traffic improvements are obtained from the State of California.

3. Parking deficit. Unfortunately parking access from Butterfield (next to courthouse) is not emphasized enough to easily access DTMH. All too often street parking is sought after in residential areas due to the proximity to DTMH. Often patrons race down residential streets INSO parking that is limited and difficult to obtain. In many instances my driveway is blocked by unobservant patrons eager for any possible parking available. It has left me no alternative but to call on local PD for assistance. Thankfully a medical emergency has not happened where access was limited either by ability to leave or in need of being somewhere quickly. I do not look forward to such an event should it come about.

4. Safety. When you're driving downtown, please be aware of all of the visual safety 'obstacles' associated with the berm, landscape and monuments that present themselves. It is more often than not that a drivers are unable to see pedestrians until it is late and quicker braking is needed to avoid an accident and someone is injured. Speeding is involved in all of the quadrant encompassing Main Ave to East Dunne (south and north borders) and Depot Ave and Monterey Rd. (east / west borders). With the zero lot line development associated with Depot and 2nd avenues, all too often drivers are unable to see approaching traffic from the south and take action to avoid collisions. Pedestrians also become endangered due to excessive speed by those looking for a quick 'cut through' or rare on the street parking. Since living in DT since 1997, this is an unintended consequence of not having a full and complete development plan in place for DTMH. We can and must do better.

5. Noise. Traffic noise is well noted by callers. As a resident, there is a great deal of noise from many areas and should be listed for improvement. As an example: racing / side show cars surround the DTMH area on all streets at all hours of the night. Ambient noise from the echo chamber of MOHI is a problem. Delivery truck traffic and services have, so far, been acceptable but one can hear the sounds of such services all days between the hours of 5:00 am to 10:00 pm. For some residents, this is unacceptable.

6. Residents. In the quest to maximize profits and taxes for the DTMH as well as the City of MH, residents are left unattended to. As if they are an afterthought or a part of the 'city' infrastructure that is not queried nor listened to for feedback as to what may or may not work. Those who live within the DTMH structures may have some good thoughts on the problems that the DT areas possess. Just a thought.

Please pass this along to any and all who may wish to review.

Thank you for being there, listening as well.

Best,
Erin Gil

From: Hassti Tirgardoona <[REDACTED]>

Sent: Wednesday, May 19, 2021 8:49 PM

To: CityCouncil <CityCouncil@morganhill.ca.gov>

Cc: Chiquy Mejia <Chiquy.Mejia@mhcr.com>

Subject: [EXTERNAL] Youth Public Comment on Item 6: Downtown Traffic Calming and Monterey Road Lane Reduction

Councilmembers,

I was hoping to comment at today's council meeting. However, I did have to leave. Here are my thoughts:

A road diet will increase the safety of both pedestrians and drivers. Pedestrians will have fewer lanes to cross and it will reduce crashes. Beyond safety, it will also promote a cleaner Morgan Hill by creating a space for green transportation like walking and bicycle riding. I know the youth of Morgan Hill are all for any measures to reduce our carbon footprint. I do, however, have many concerns:

1. Will this plan support small businesses or will it benefit higher-end restaurants?
2. Will the real estate that will be available be used by businesses? In other words, who will receive the property.
3. Will the increase in traffic lead to citizens avoiding downtown and taking their business elsewhere?
4. Is this the best way to spend our resources? Perhaps we should come together as a community to see the issues that urgently need to be addressed through funding.

Thank you for all that you have done for our community and thank you for reading my comment.

It is always a pleasure.

Respectfully,
Hassti Tirgardoona

From: Steve Pace/USA <[REDACTED]>
Sent: Wednesday, May 19, 2021 7:22 PM
To: General <general@morganhill.ca.gov>
Subject: traffic calming/lane reductions

City Clerk,
I am in favor of the lane reduction/traffic calming measure.
Thank you, Steve

From: Mike Tangney <[REDACTED]>
Date: May 19, 2021 at 12:48:13 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Downtown development

Hello Rene,

Please stop spending disproportionate amounts of money on poorly thought out projects. This latest Monterey Rd development affects thousands for the benefit of a few.

My wife and I visit downtown regularly,
Often times we bring our grandchildren. We've never felt unsafe. I also cycle all over Morgan Hill.
Downtown is safer from a cycling standpoint than many other areas of the city. I'm insulted that the city seems to be pushing this project allegedly as a safety upgrade when it is obviously driven by developers interests.

Thanks,
Mike Tangney

From: Armando Be <[REDACTED]>

Sent: Wednesday, May 19, 2021 12:31 PM

To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>; Yvonne Martinez Beltran <yvonne.martinezbeltran@morganhill.ca.gov>; Rene Spring <Rene.Spring@morganhill.ca.gov>; John McKay <john.mckay@morganhill.ca.gov>; Christina Turner <Christina.Turner@morganhill.ca.gov>; Gino Borgioli <Gino.Borgioli@morganhill.ca.gov>

Subject: ONE MINUTE DELAY?? MONTEREY LANE REDUCTION AGENDA ITEM>

Dear Mayor Constantine, Council Members, and City Manager.

Below is a list of housing projects currently under construction or in the process of being approved. Many more to come. Closing down a major thoroughfare for five blocks while inundating the entire corridor with new houses is not the way to go.. Local residents use those streets in the corridor to get their kids to nearby schools, to go shopping, to transit out of town. It is a highly congested intersection without traffic choke points. A couple of thousands more cars are going to be a reality once this soon to be completed developments are sold and new residents move in. And we know thousands more are in the pipeline with no way for the CC to do anything but approve.

<http://www.morgan-hill.ca.gov/DocumentCenter/View/38915/Significant-Projects---May-2021> • 389 Apartments, including 78 very low-income • Design Permit approved, grading underway • <http://www.morgan-hill.ca.gov/1959/Morgan-Hill-Apartments> Morgan Hill Apartments (Braddock and Logan) 3 • 101 Townhomes • Design Permit and Building Permits approved • Construction underway • <http://www.morgan-hill.ca.gov/1978/Monterey---City-Ventures> Monterey Gateway (City Ventures) 4 5 Housing Projects Submitted or Pending Monterey-Madrone (Jemcor) 6 • 249 units - 100% Affordable – Density Bonus & SB330 • Application Complete – next step CEQA review • <http://www.morgan-hill.ca.gov/2096/Monterey-Madrone-AffordableHousing-Deve> Crossings at Watsonville Road (UHC) 7 • 73 units - 100% Affordable – Density Bonus & SB330 (no density bonus, only concessions) • Application Complete – CEQA underway • <http://www.morgan-hill.ca.gov/2082/Watsonville-Hordness-Crossings-atMonter> The Magnolias (First Community Housing) 8 • 66 units - 100% Affordable – Density Bonus and SB330 • Application under review - next step CEQA review • <http://www.morgan-hill.ca.gov/2142/Monterey---First-CommunityHousing-Magno> Monterey-Manzanita Park (Dividend) 9 • 67 units • Application Complete – CEQA review underway • <http://www.morgan-hill.ca.gov/2074/Manzanita-Park> Morgan Hill Senior Housing (Beacon) 10 • 82 units – 100% affordable - low-income senior apartments • Design Permit Approved • Demolition Permit approved • <http://www.morgan-hill.ca.gov/2016/Morgan-Hill-Senior-Housing> Crosswinds (Dividend) 11 • 269 units • Environmental review underway • <http://www.morgan-hill.ca.gov/2042/Half-Dividend-CrosswindsResidential-Dev> New Horizons (Morgan Hill Devco) 12 • Proposed General Plan & Zoning amendments • Environmental underway • <http://www.morgan-hill.ca.gov/2041/Hill---Morgan-Hill-Devco-LLC> Cochrane Shopping Center (Browman Development) 13 • Proposed General Plan amendment and additional housing units as part of Planned Development Amendment for Phase 2 • Environmental Review underway • <http://www.morganhill.ca.gov/2069/Cochrane-Commons> Spring - Giancola 14 • 23 units • Application Complete – CEQA review underway Tennant - Osito 15 • 16 units • Design Permit

approved • <http://www.morgan-hill.ca.gov/2066/Tenant-Osito> Other Housing Projects 16
Dakota-Dunne – 4 units • Application pe

Regards,
Armando Benavides

From: [Toni Tryforos](#)
To: [CC Public Comment](#)
Subject: [EXTERNAL] DT Calming Initiative
Date: Thursday, May 20, 2021 8:08:34 AM

Good Morning City Council Team -

After listening to the exhausting call last night and sleeping on my thoughts, it's my conclusion that this project needs to be tabled for at least a year.

We are coming out of a pandemic and people's emotions are all over the map. MH has so many construction projects going on at the same time, housing, industrial, and Anderson Dam. What's the hurry with doing DT, pause this and do an impact analysis after the housing projects are near or completed. There's definitely an agenda that isn't meeting what the majority of the community want. With the new housing we can expect close to 2K more vehicles and then with the industrial projects in Butterfield between Jarvis/Sutter that's more traffic during peak times.

I urge you to reconsider not rushing this, let's get infrastructure priorities addressed and really listen to a more broad range of people in the community.

Regards,
Toni Tryforos

Sent from my iPhone

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From: [Tiffany Morales](#)
To: [CC Public Comment](#)
Subject: [EXTERNAL] The City of Morgan Hill- Traffic Calming
Date: Wednesday, May 19, 2021 7:38:24 PM

Dear Morgan Hill City Council,

My name is Tiffany Morales and I am the Chief Operating Officer for the live+love+léal hospitality portfolio. As a former Morgan Hill resident and now an active business leader in the community, I have seen the evolution of the city of Morgan Hill. Once upon a time, Morgan Hill was a sleepy town that needed a plan for redevelopment to help create a sense of place for businesses to thrive and survive and in return, the city would benefit economically.

The COVID-19 pandemic has negatively impacted all of us on a personal or professional level to some degree. Navigating through uncertainty has been challenging for everyone, however, with challenges come problem-solving opportunities. During these difficult times, Frank Léal has been a leader not only for our own company but for all small businesses in downtown Morgan Hill. Before the government shutdown, Frank quickly reacted to take a stand and do something about it. He went with his instinct to purchase tents for his businesses and in a spirit of community and camaraderie he generously offered to help supply tents to our neighbors such as Noah's and Maurizio's off of 1st Street. In addition, since 2015 Frank has generously been paying for the use of the parking lot between 1st Street and Wells Fargo. He made improvements to the parking lot and has made it available for the community to use to help benefit all businesses. He had the vision to create a sense of place, and focus on delivering hospitality to bring a bit of happiness to our community during a time of darkness.

When we were approached to participate in the AI Fresco project, we were thrilled! It was a collaborative effort to create a pop-up restaurant at our iconic landmark, Granada Theatre. It's fair to mention this is not the first time Frank has invested in keeping the Granada Theatre alive. In 2015 Frank Léal took on the preservation of restoring the Granada Theatre to save it from being destroyed for retail space. The Granada Theatre was a huge financial investment due in part to the need to reinforce the structural integrity of the building. The level of commitment that Frank Léal has for the city of Morgan Hill and our community goes far beyond his own company's financial gain. Frank Léal is a visionary and sees a concept for the future in building a sustainable Downtown Morgan Hill for all to enjoy more safely.

Our live+love+léal hospitality portfolio is committed to contributing to the success of a thriving community. We want to ensure our employees, patrons and community are safe when they visit downtown. The opportunity is now, to take action and calm traffic to make a beautiful, walkable, and safe downtown area for everyone to enjoy. The benefit will be to make Morgan Hill a destination of choice in the Bay Area where we strive to be the innovators

and be proactive rather than reactive for building a sustainable economy for our community for generations to come.

Thank you for your time and consideration.

Best regards,

Tiffany Morales

Chief Operations Officer

live+love+léal Hospitality Portfolio

P: 408-804-1499

www.liveloveleal.com

tiffany@liveloveleal.com



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Morgan Hill City Council Meeting – May 19, 2021

USE OF GLYPHOSATE IN CITY MAINTENANCE ACTIVITIES

Agenda Item: 7



Background



- Council directed staff to eliminate the use of Glyphosate in City owned Parks in 2019
- Two Year trial effort in this area is now complete
- Glyphosate is still used in maintenance of Right of Way Areas and Utility Access Roads

Trial Results



- Used four different organic chemicals to try and control weeds. None were effective.
- City Staff is not recommending the use of alternate chemicals in the future as they take significant time to use and provide minimal weed control.

Trial Results

- Increased weeds in all areas
- Increased resident complaints on weeds, largest concern is foxtail control
- Difficult to maintain areas, baseball infields and decomposed granite paths

Trial Results

- Weeds will get progressively worse year over year
- Very few resident complaints on herbicides
- Significant extra staff time in weed management (mowing), meaning reduced staff time for other Park Maintenance Activities

Options

- City staff need more resources to manage weeds in Parks without Glyphosate (414 hours) and a new mower (\$14,000), which will still provide a lower level of service
- Contract comprehensive annual mulch installation (\$250,000)
- Arbor mulch (free) and attempt to use existing resources and volunteers to support (potential service reductions in other park areas)

Recommendation

- New mower (\$14,000)
- Utilize arbor mulch (free) and attempt to use existing resources and volunteers to support
- Look to increase Park Maintenance resources in the future when fiscally able, should Council prioritize
- Continued degradation of park maintenance levels

Questions?



DEVELOPMENT OF A TEMPORARY DOWNTOWN DOG PARK AT FORMER COMMUNITY GARDEN SITE



May 19, 2021

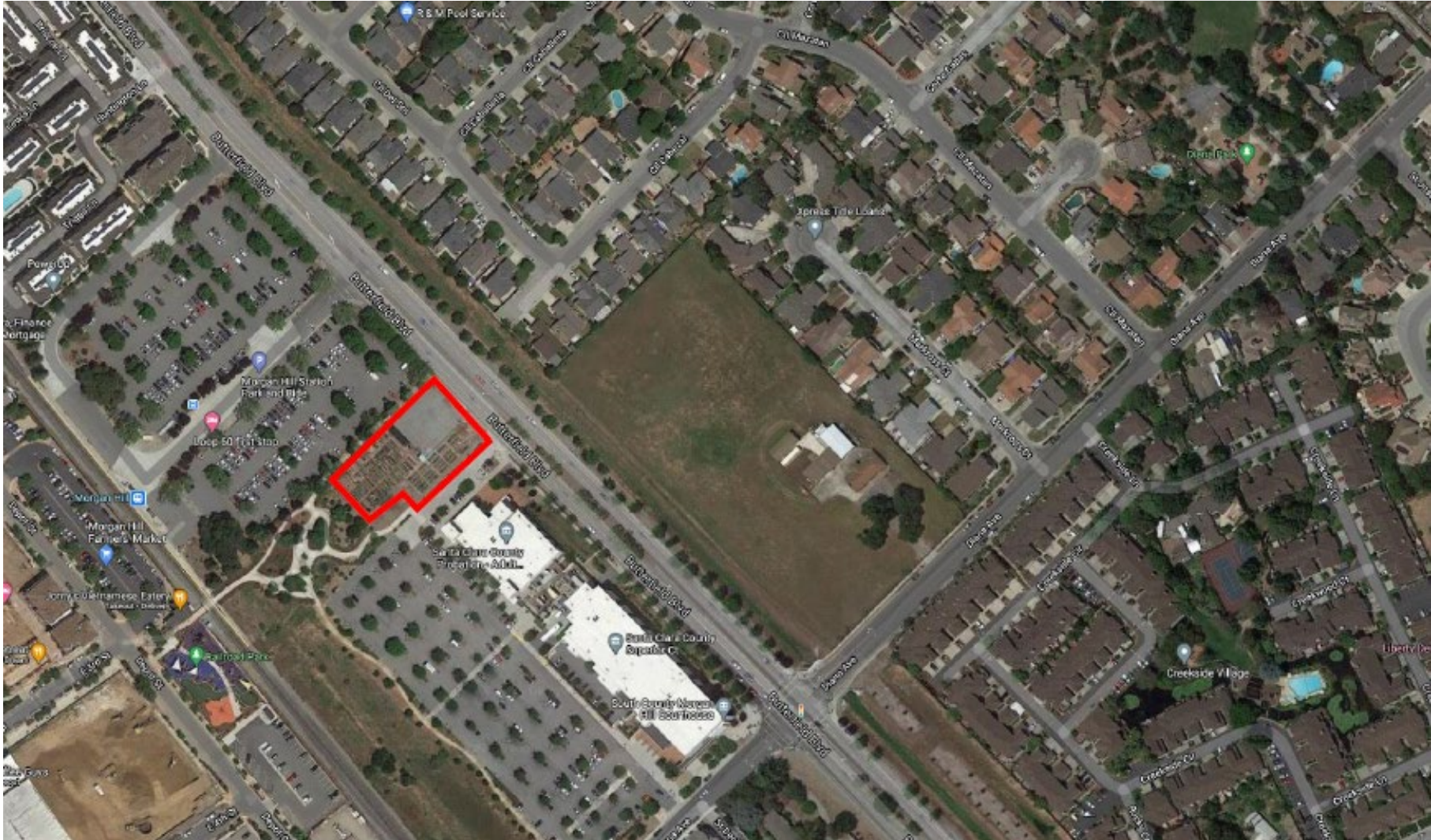
Agenda Item: 8

Background



- PRC Work Plan includes looking for new additional Dog Park sites
- Commissioners Identified the former Community Garden Site
- Garden was relocated in anticipation of future **required** Fire Station construction

Site Location



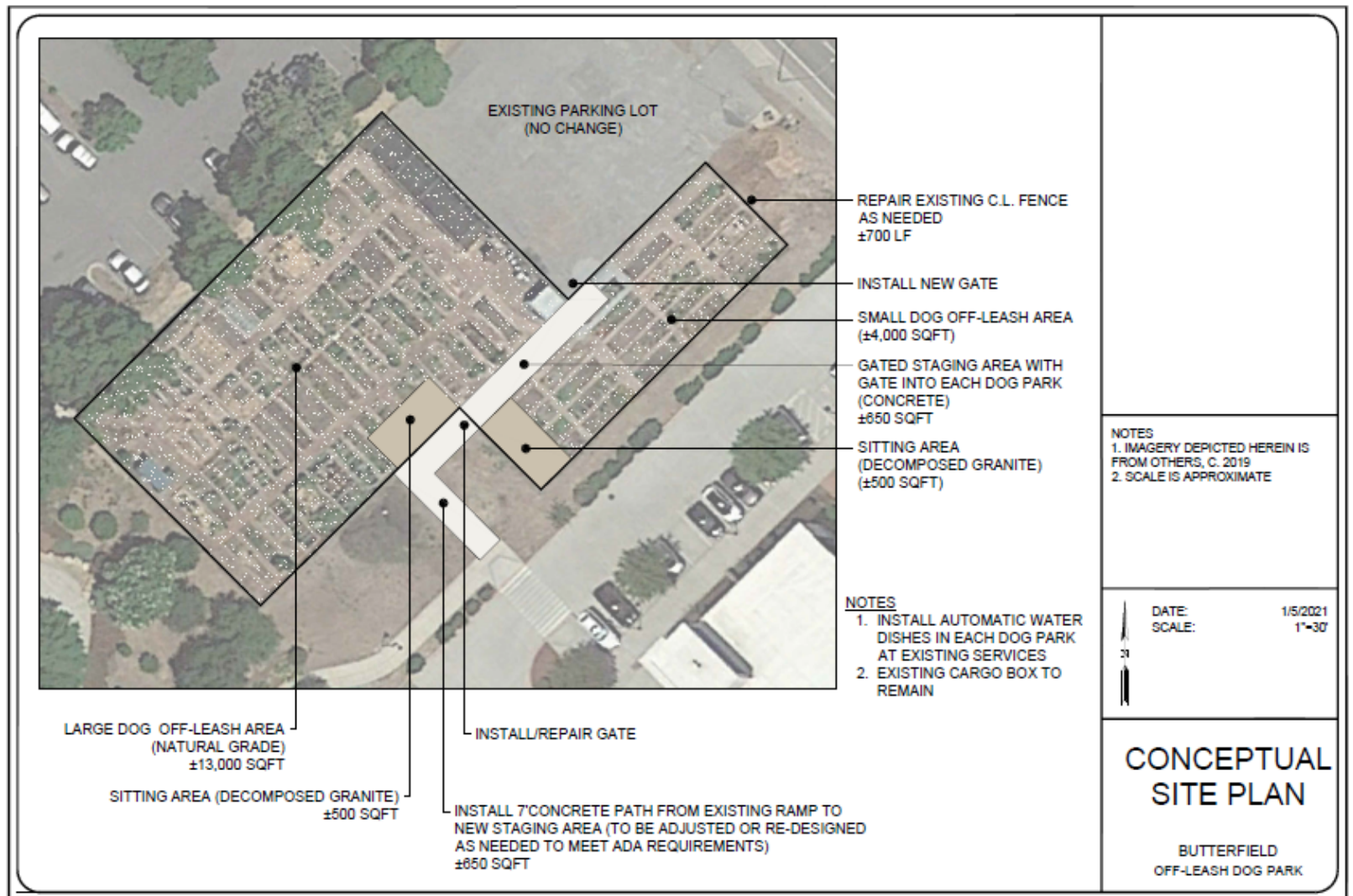
PRC Recommendation



- Appropriate \$30,000 at mid-cycle for temporary Dog Park (one time costs/General Fund)
- \$1,000 Annually for operating
- Construction and ongoing maintenance will rely on volunteers
- Park would remain in place for approximately 21 months

PRC Recommendation

Site Plan



Staff Recommendation



- City Staff is not recommending moving forward with the temporary park at this time.
- Constructing a park that may not be able to remain on the site permanently due to the future construction of a Fire Station may frustrate residents/users.
- Should design of the site prove that a dog park could feasibly remain on the site, the Fire Department still has compatibility concerns with a dog park being located directly adjacent to a Fire Station.
- A dog park in the proposed location would need to be closed for Fire Station construction beginning Spring/Summer 2023 at the latest, leaving it open for less than two years.
- It will take City staff resources to implement the construction of a temporary Dog Park.

Staff Recommendation



- Include analysis of Dog Park at the site with Fire Station Design (beginning this summer)
- Continue to review sites for dog parks in other City Parks with the PRC

Questions?



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May 19, 2021

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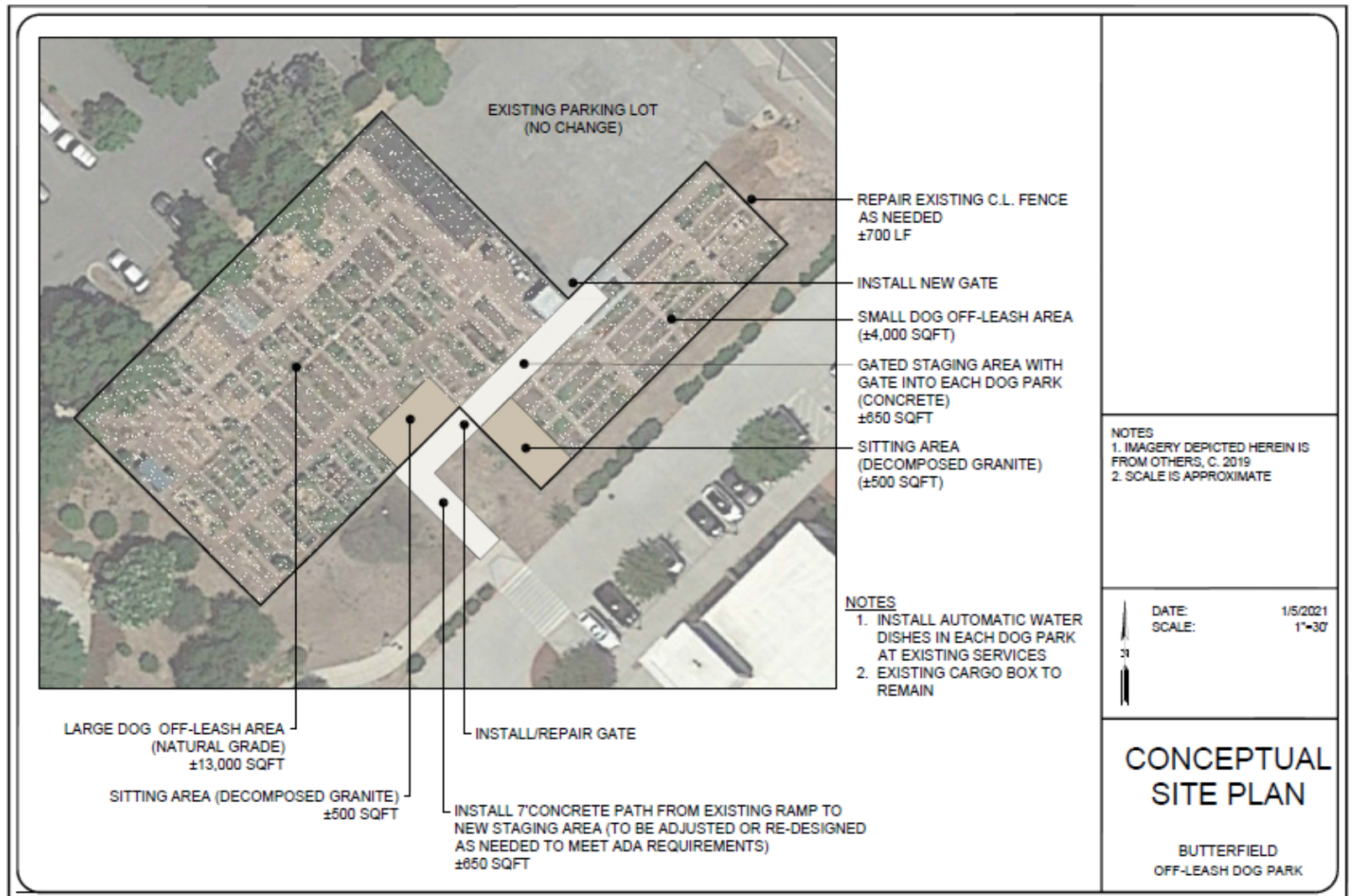
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- Continued degradation of park maintenance levels

Questions?



Item 6

Downtown Traffic Calming and Monterey Road Lane Reduction



May 19, 2021

Introduction



Due to long term effects of the pandemic, Downtown businesses requested the City Council revisit reconfiguring Monterey Rd lanes to:

- Increase safety for residents and visitors using all modes of transportation
- Slow the speed of traffic
- Increase economic vitality
- Protect our small Downtown from the onslaught of cut-through traffic
- Repurpose space for people and businesses to thrive

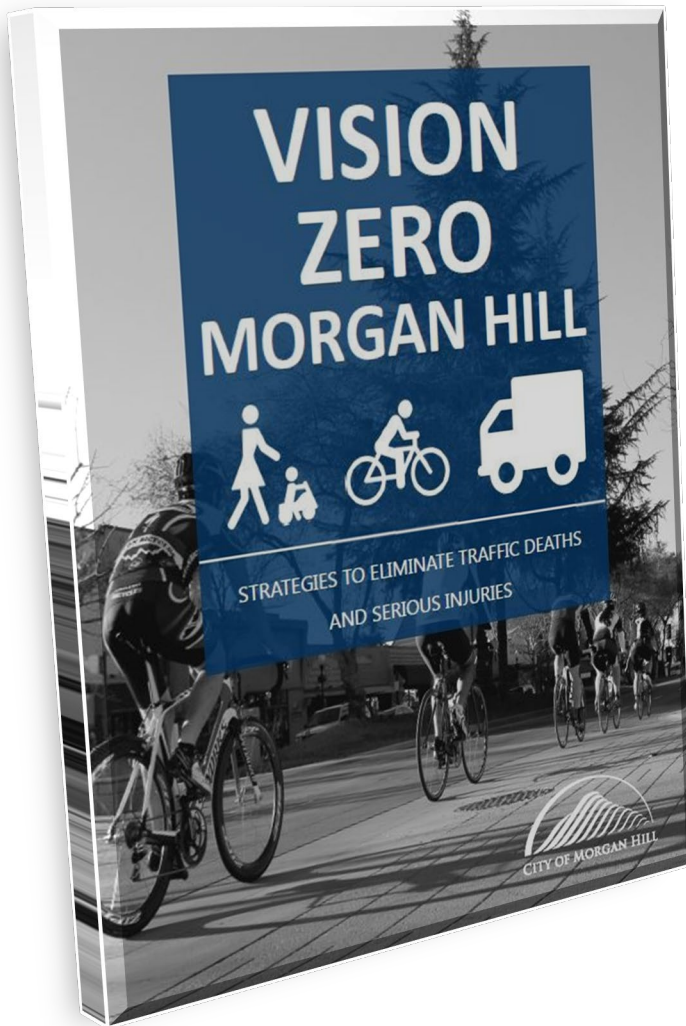
The City Council has specifically requested that City staff review options for traffic calming, including the lane reduction program.

Big Picture Question



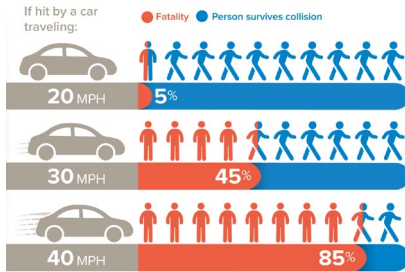
What is the purpose of Monterey Road through the Downtown?

Vision Zero Principles



- ✓ Traffic deaths are PREVENTABLE
- ✓ Integrate HUMAN FAILING in approach
- ✓ Prevent FATAL AND SEVERE CRASHES
- ✓ SYSTEMS approach
- ✓ Saving lives is NOT EXPENSIVE

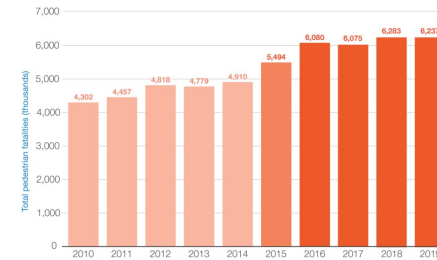
Vision Zero Principles



National Traffic Safety Board (2017) Reducing Speeding-Related Crashes Involving Passenger Vehicles. Available from: <https://www.ntsb.gov/safety/safety-studies/Documents/SS1701.pdf>

45% increase in people struck and killed while walking

The last four years were the most deadly in three decades



It's impossible to prioritize both...



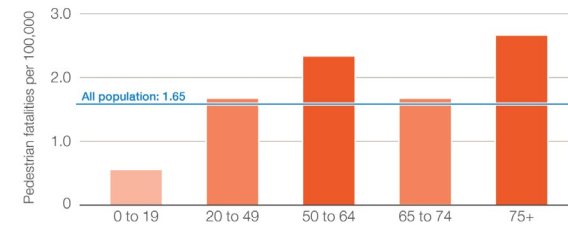
Smart Growth America
Advancing Smart Growth

DANGEROUS
BY DESIGN

National Complete
Streets Coalition

Older adults are disproportionately killed

Pedestrian fatalities per 100,000 people by age



Vision Zero

What does this mean from a practical sense Downtown?

Scenario 1

Stop Sign

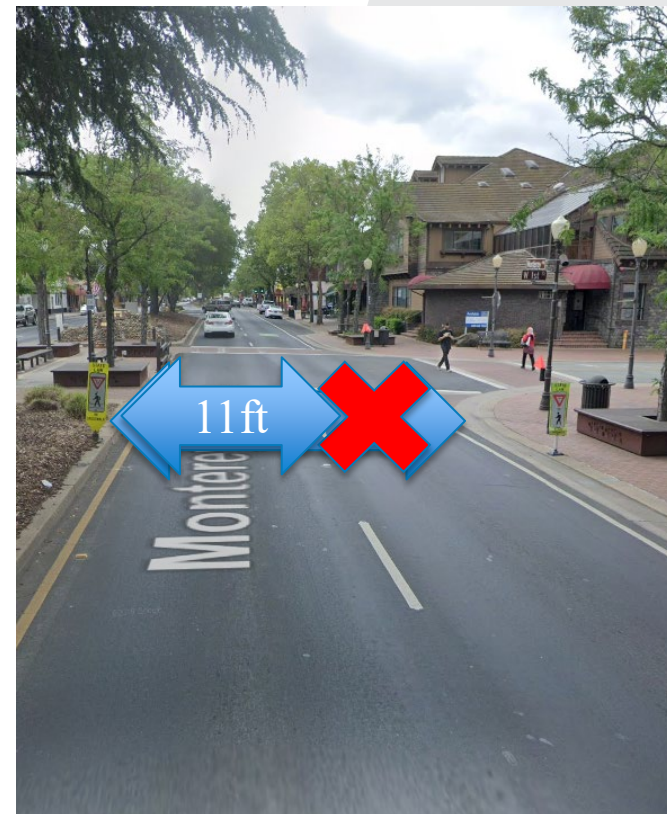
Reduces Speed at a Location



Scenario 2

Lane Reduction

Reduces Ped/Vehicle Conflict





The Purpose of Monterey Road has Evolved

- Monterey Road used to connect the City of San Jose to City of Monterey
- It was a “State Route”
- Freeway 101 was built to bypass the Downtown
- Monterey Road was “relinquished” for the City to control
- Butterfield was built to bypass the Downtown

2015 Complete Streets Pilot



Complete Street Objectives

- **Foster safety**
- **Reduce noise and air pollution**
- **Improve livability and economic vitality**
- **Accommodate bicyclists safely**
- **Create community gathering places**
- **Preserve mobility**



End of Pilot Results



No Change in Speed of Traffic



People biking nearly tripled (from 74 to 214)



Transit Ridership increased by 3% (trip length increased by 29 seconds)



Traffic moved to Butterfield versus residential streets on the West side



50% of large vehicles (400 pick-up trucks and semi-trucks) moved to Butterfield

End of Pilot Results



Business Impact was unclear



Increased Pedestrian Counts



Transit Ridership increased by 3% (trip length increased by 29 seconds)



No impacts on emergency response times.

2015 Council Decision



- The Council elected not to move forward with the lane reduction program at that time
- The Pilot Program was not viewed as a failure, rather decided the timing of the implementation was not right
- The Council specifically requested that review of the lane reduction return at a later date

Significant Dynamics Occurring During the Pilot:

- **Parking Structure Under Construction**
- **Several Downtown Developments**
- **Business Relocations**

Traffic Calming Alternatives



Non-Lane Reduction Improvements

Continue existing work to provide support to look at opportunities to improve safety Downtown in a less coordinated manner

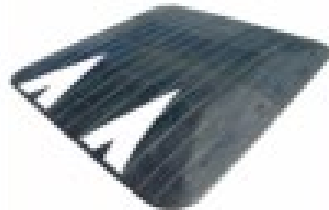
The City has done considerable work here but can continue to look at additional improvements

Traffic Calming Alternatives



Lane Reduction

Eliminate one lane of traffic in each direction on Monterey Road between Dunne and Main



Traffic Calming Non-Lane Reduction

Speed bumps
Stop signs
Bulb outs
Other



Specific Pedestrian Safety Improvements

Ped Activated Lighting
Improved Lighting
Remove visual barriers
Other



Full Monterey Road Closures

Limited Timeframe Full Closure of Monterey Road between Dunne and Main

Traffic in Morgan Hill



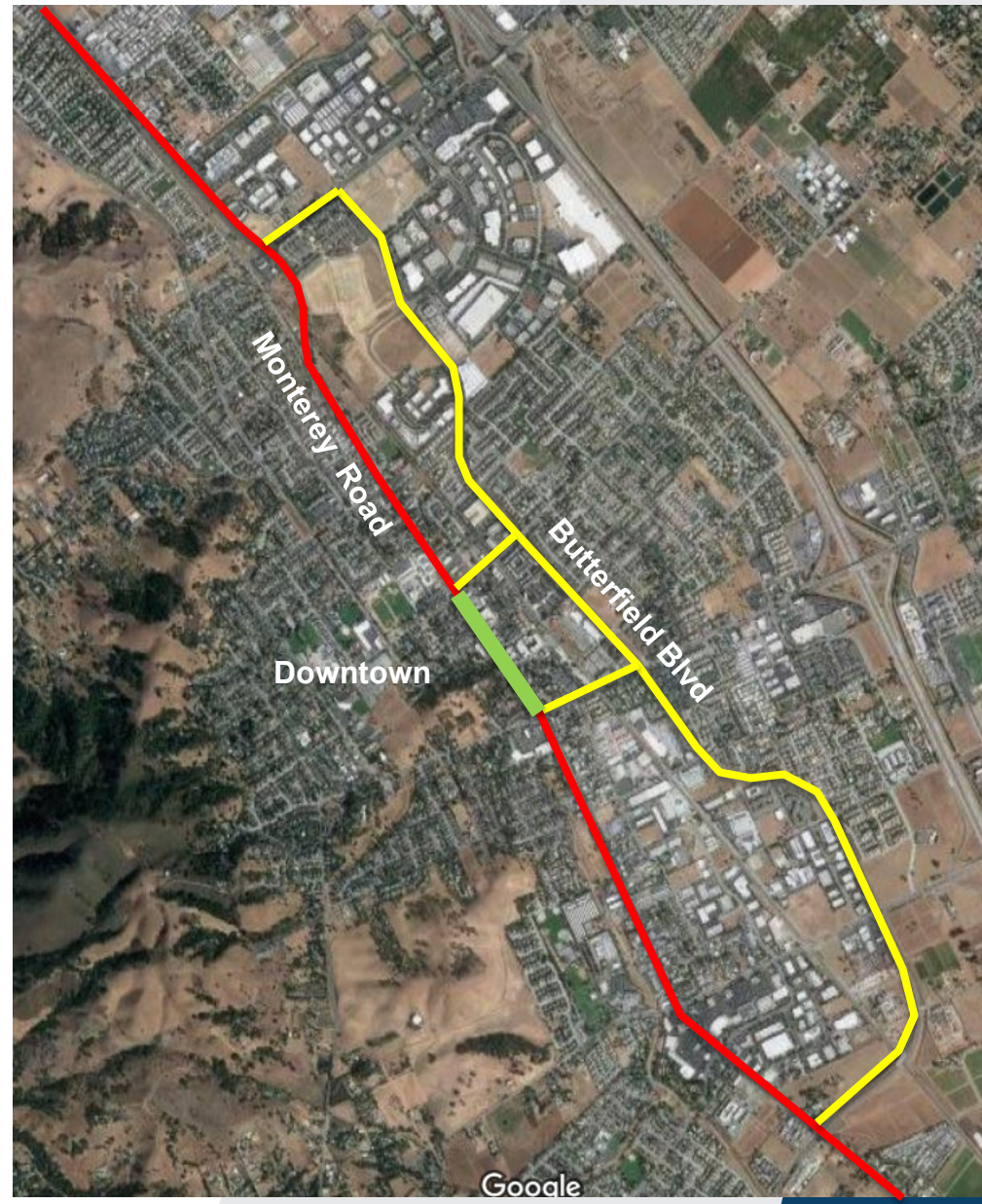
- Traffic is a frustration for Morgan Hill residents
- 1/3 of Regional Traffic Travels through the City
- Hale Avenue Final Completion estimated in 2023
 - Anticipated to support significant traffic from going through Downtown
- Butterfield is a viable alternative to Monterey

Year	Daily Traffic Count
1987	24,957
1991	24,641
1994	21,510
2000	25,340
2005	20,565
2010	17,633
2015	15,628

Traffic in Morgan Hill

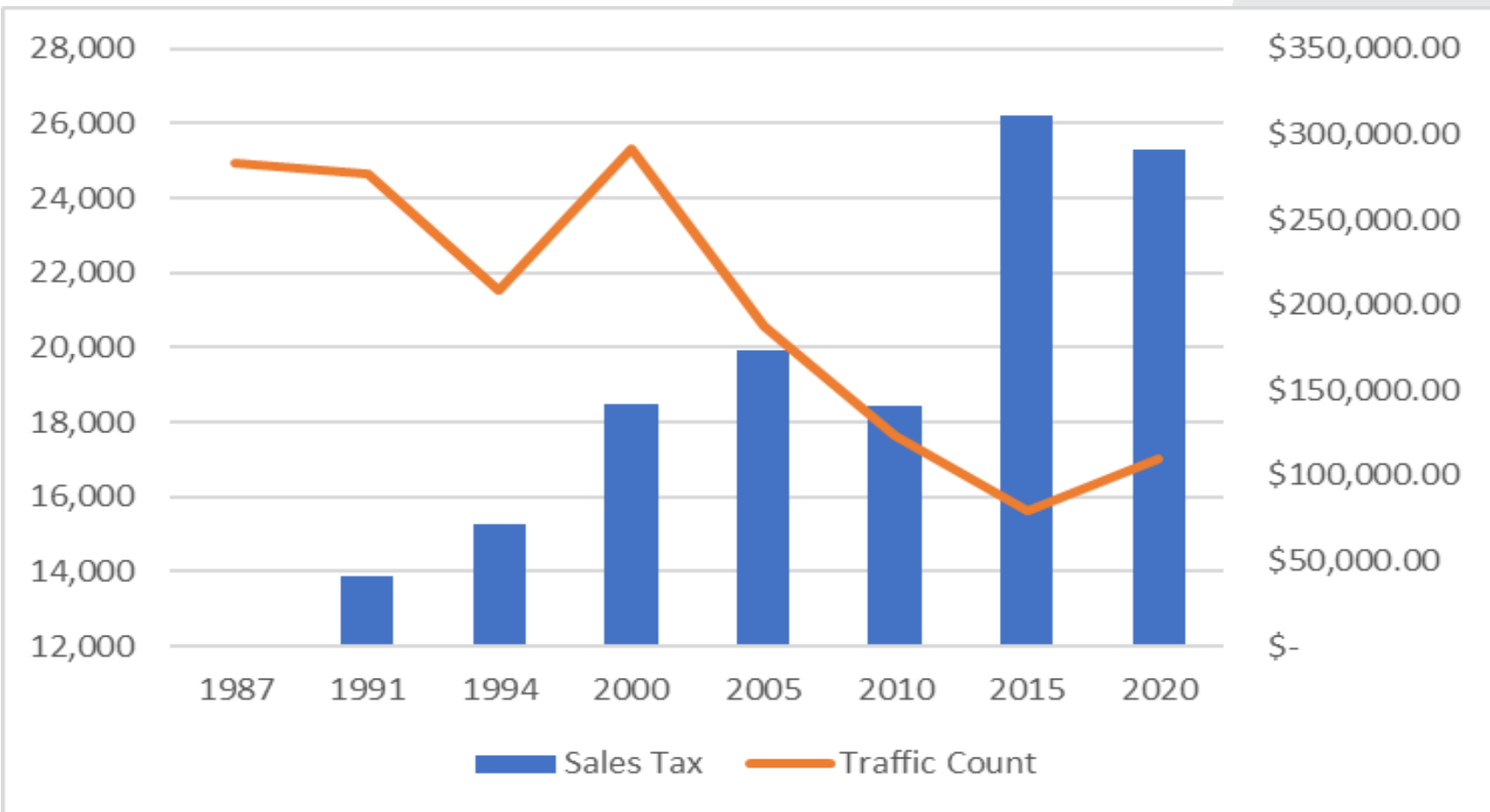
Travel Distance
Monterey & Cochrane to
Monterey & Watsonville

- 3.1 Miles via Monterey
- 3.8 Miles via Butterfield
- 3.8 Miles bypassing
Downtown via
Dunne/Butterfield/Main



Discovery

Historical Revenue vs. Traffic Counts



Downtown Connectivity

The Downtown is a key component for non-motorized travel in our City.

- Higher density housing continues to increase near the Monterey Corridor
- The Bus Route is the only transportation for many residents. Most residents using the bus must walk to the bus stops throughout the corridor
- Travel to and through the Downtown is no longer just for shopping and dining
- It's a place for families to recreate, relax, recreate, and exercise



The Future - The Entire World Changed

- COVID pandemic
- Outdoor dining expanded
- Outdoor recreation activities and use of public spaces expanded
- Downtown is now full of park space for families
- Life slowed down
- Working from home
- Placemaking for people to connect & prosper



Discovery



Downtown

1. Visioning Summit
2. Downtown Survey
3. Small Group Meetings with Stakeholders

Community

1. Community Town Hall
2. Community Survey
3. Email Feedback

Discovery

Downtown Visioning Summit – April 23, 2021

- Speakers from Alta Planning + Design, Hollister, Willow Glen & Morgan Hill
- Learned about success stories on transforming Downtowns from throughfares into destinations
- Local businesses presented a vision
- Approx. 80 guests in-person and on Zoom
- Recording available on website

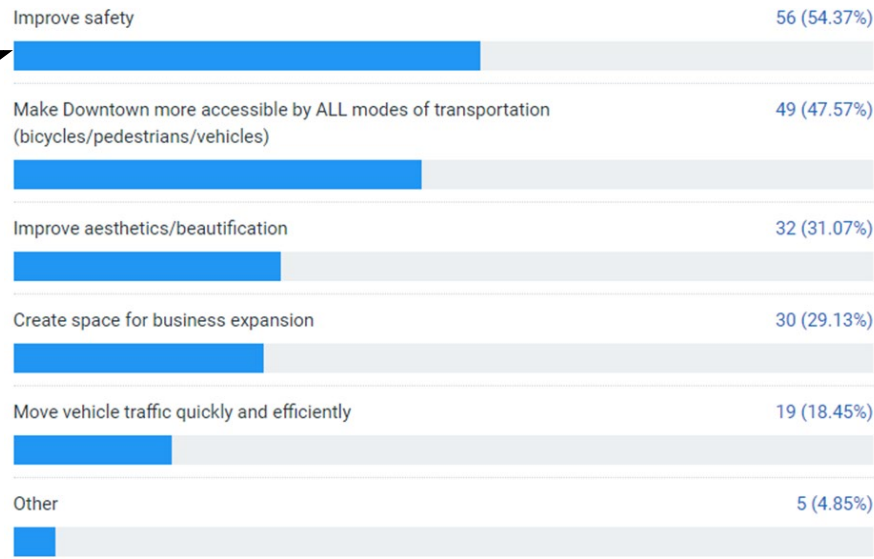


Discovery

Survey of Downtown

1. What do you view as the highest priority for downtown streets? (choose two)

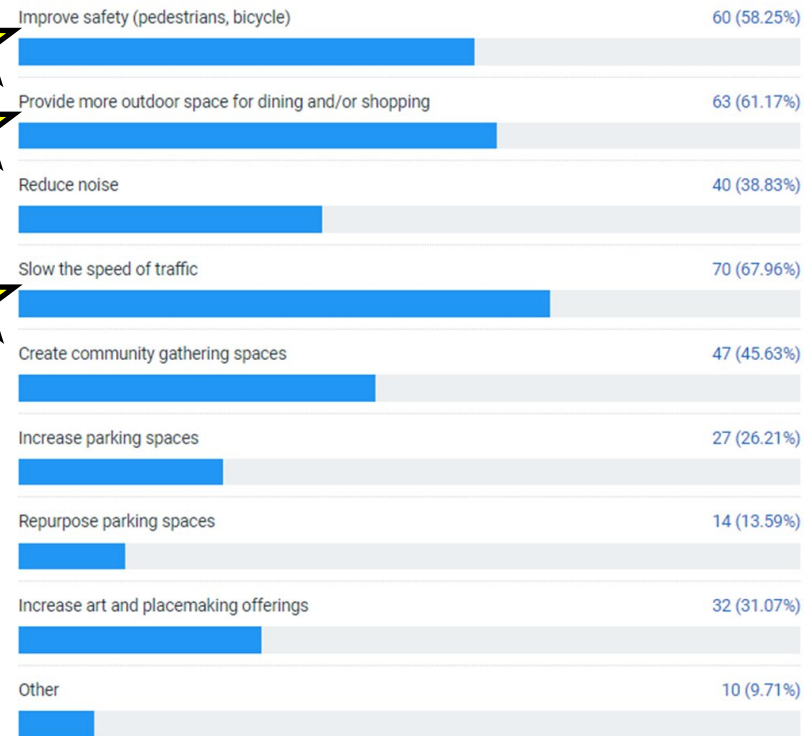
Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 103

3. How can the City help improve your experience specifically on Monterey Road in Downtown Morgan Hill? (check all that apply)

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 103

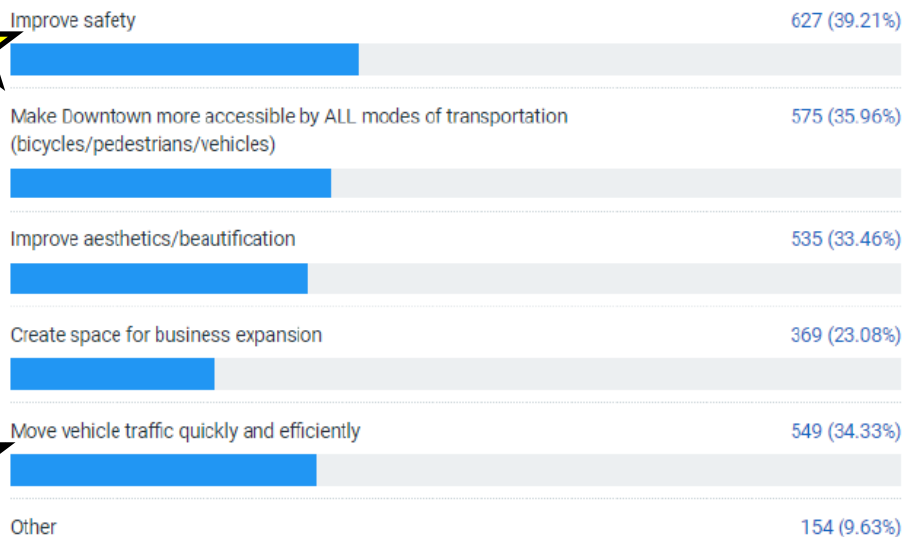
Discovery

Community Wide Survey

CHECKBOXES

1. What do you view as the highest priority for downtown streets? (choose two)

Showing the most recent responses to the question. [See all responses here.](#)



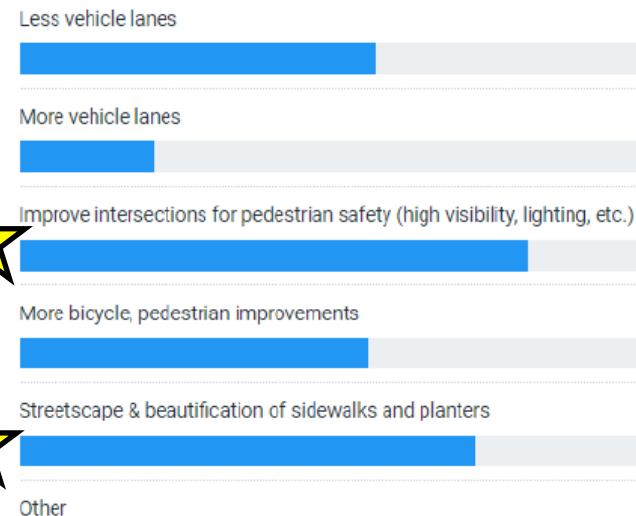
Total Responses

1599

CHECKBOXES

2. How can downtown streets be improved? (check all that apply)

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses

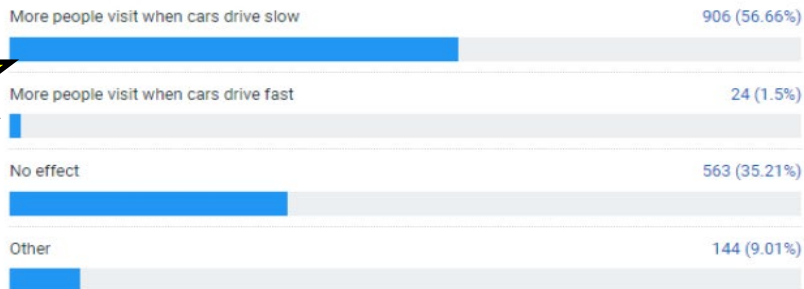
Discovery - Community Wide Survey



CHECKBOXES

4. In your opinion, do you think more people visit businesses when cars drive fast past them or when they have to drive slowly past a business?

Showing the most recent responses to the question. [See all responses here.](#)

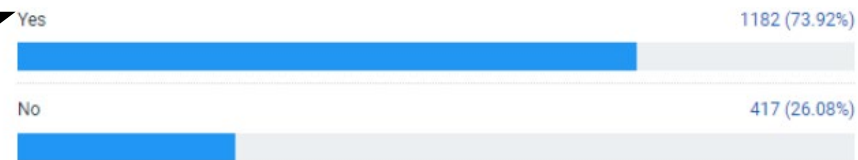


Total Responses 1599

MULTIPLE CHOICE

6. Did you experience the pilot Monterey Road lane reduction in 2015?

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 1599

MULTIPLE CHOICE

5. Do you think Downtown would be more walkable, quieter, and safer with less car lanes on the road?

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 1599

CHECKBOXES

8. Are you more in favor of reducing the lanes of traffic on Monterey Road through Downtown to a single lane in each direction than in 2015?

Showing the most recent responses to the question. [See all responses here.](#)



Total Responses 1599

Discovery

Communitywide Feedback

Positive

- Improve safety for Britton Middle School students, pedestrians, pets, bicyclists and customers
- Value of additional space
- Decrease vehicle noise
- More likely to walk or ride Downtown
- Many affordable housing projects
- Reduces carbon footprint

Discovery

Communitywide Feedback

Negative

- Increased traffic in nearby neighborhoods
- Slower travel times for thoroughfare drivers
- Loss of parking spaces
- Significant Cost compared to other City needs

Lane Reduction Program



Implement an improved Lane Reduction Program that:

- Creates a safe Downtown for our community members and businesses from a pedestrian, bicycling, and gathering perspective
- Creates an environment for the changing needs of our Downtown businesses to recover now and thrive into the future
- Considers and utilizes the input of the Downtown businesses and community members in general

Lane Reduction Program

Improved Lane Reduction Elements

Built for the Long-Term

- Improvements to support drivers and protect pedestrians/cyclists such as curbs, delineators or other devices
- Improved signage in and outside Downtown to protect drivers
- Integration in design with parklets and community space.



Lane Reduction Program

Improved Lane Reduction Elements



Encourage traffic to utilize alternate routes.

- Protect our Downtown from regional cut-through traffic

Not just a Bike Lane

- Space for people!
- Move traffic away from customers and businesses



Place Branding Effort

Community Gathering/Branding



Create a space for businesses to thrive and community to use

- Accomplishes vision of making Downtown a destination
- Adds place branding value
- Provides buffer between vehicles and people
- Community gathering spaces
- Opportunity for activations and programming



Place Branding Effort



Willow Glen



Hollister



Los Gatos



Morgan Hill ?

Rational for Recommendation



Lane Reduction

- Implements City Goals
- Increases Safety
- Improves Walkability
- Supports Downtown Neighborhood
- Supports people using the Downtown over those passing through

Place-Branding

- Supports vision of making Downtown a destination
- Provides space between cars and people
- Creates opportunity for programming and activation
- Supports business recovery
- Creates gathering spaces for community
- Adds interest and can create culture and placemaking

Staff Recommendation



1. Design a Lane Reduction Project that improves accessibility, increases safety and creates additional space for community members and businesses.
2. Design a Place Branding Program that creates an initial plan for City funded efforts on place branding, including the barrier next to the “people lane,” the use of trees, planters and other elements to support beautification and consistency through the Downtown.

Next Steps

Design

- 3-6 months design and bid



Lane Reduction

- 1 month implementation



Place-Branding

- Ongoing
- Public-Private Partnership
- Multi-Phased
- Trees, Lights, & Fencing
- Parklets

Funding



Costs and Funding

- \$50,000 for Design
- The City estimates it could spend \$200,000 - \$400,000 on construction of this project
- Funding Opportunities
 - Grant Funds - \$95,000 TDA Funds
 - American Rescue Plan Act Funds to fund remainder of City costs
 - Public Private Partnership Funds would be used to support enhanced place branding above City funding

Council Recommended Action



1. Receive report on traffic calming activities in the Downtown;
2. Direct staff to include the funding of \$50,000 for the engineering and design consultants to support the design of an Improved Lane Reduction Program and associated Place Branding Design for the Downtown;
3. Direct City staff to form a working committee made up of Downtown and community representatives;
4. Direct City staff to formally discuss public private partnership opportunities with the Downtown Businesses to support the lane reduction and place branding efforts; and
5. Direct City staff to begin the application process for Transit Development Act Funds for the Lane Reduction Program.

Questions





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, May 19, 2021 5:30 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
 - In order to speak, please be sure that your version of Zoom is up to date.
- 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 or 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 5:30 p.m. for the purpose of conducting a 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

City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
City Clerk Michelle Bigelow

WORKSHOP

This workshop is the first in a series of Housing Workshops (<<https://www.morgan-hill.ca.gov/2162/2021-Housing-Conversation>>) that will look at the current and future state of housing in Morgan Hill. This first workshop is called "All Things Housing". Staff will present and discuss the following:

1. What regulates Housing in Morgan Hill
2. Housing Facts - What types of housing exist in Morgan Hill - inventory, tenure and affordability
3. Housing Projects in the works

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

Recognizing YAC President Hassti Tigardoon for her years of service

Recognizing YAC Volunteer Les Taylor for her years of service

PRESENTATIONS

YAC PRESENTATION- ASSET #35- RESISTANCE SKILLS

PROCLAMATIONS

Proclaiming May 15, 2021 as National Peace Officers Memorial Day and the week of May 9-15, 2021 as National Police Week

Proclaiming the week of May 16-22, 2021 as Emergency Medical Services Week

Proclaiming the week of May 16-22, 2021 as National Public Works Week

May 19, 2021

CITY COUNCIL REPORTS

Mayor Pro Tem McKay

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

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 EAST MAIN AVENUE BIKE LANES AND SIDEWALK PROJECT

Recommendation:

1. Accept as complete the East Main Avenue Bike Lanes and Sidewalk Project in the final amount of \$1,210,089;
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.

2. ADOPT ORDINANCE 2321, NEW SERIES, ADDING SECTION 3.04.145 TO CHAPTER 3.04 ("PURCHASING") TO TITLE 3 ("REVENUE AND FINANCE") OF THE MORGAN HILL MUNICIPAL CODE INCREASING THE CITY MANAGER'S AUTHORITY TO PROCURE GOODS AND SERVICES THAT ARE EXCLUSIVELY RELATED TO THE CITY'S ROLE AS CONTRACTING AGENT USING COUNTYWIDE SOLID WASTE PLANNING FEE PROCEEDS

Recommendation:

Waive the reading, adopt Ordinance No. 2321, 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.

3. APPROVE LICENSE AGREEMENT WITH TOGLIATTI FARMS FOR CITY PROPERTY AT CONDOT ROAD AND TENNANT AVENUE

Recommendation:

Approve the License Agreement with Togliatti Farms for \$5,000 in annual rent and authorize the City Manager to execute the agreement.

4. APPROVE THE APRIL 28, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

5. AWARD 2021 SIDEWALK REPAIR CONTRACT TO DURAN CONSTRUCTION GROUP, INC.

Recommendation:

1. Award a contract to Duran Construction Group, Inc. in the amount of \$171,691.65;
2. Authorize the expenditure of construction contingency funds not to exceed \$42,908.35; and
3. Authorize the City Manager to execute and administer that certain construction contract with Duran Construction Group, Inc.

OTHER BUSINESS

6. DOWNTOWN TRAFFIC CALMING AND MONTEREY ROAD LANE REDUCTION

Recommendation:

1. Receive report on traffic calming activities in the Downtown;
2. Direct staff to include the funding of \$50,000 for the engineering and design consultants to support the design of an Improved Lane Reduction Program and associated Place Branding Design for the Downtown in the mid cycle budget adjustments;
3. Direct City staff to form a working committee made up of Downtown and community representatives;
4. Direct City staff to formally discuss public private partnership opportunities with the Downtown Businesses to support the lane reduction and place branding efforts; and
5. Direct City staff to begin the application process for Transit Development Act Funds for the Lane Reduction Program.

Estimated Time: 90 Minutes

7. USE OF GLYPHOSATE IN CITY MAINTENANCE ACTIVITIES

Recommendation:

1. Receive report on herbicide/Glyphosate use in City parks; and
2. Provide staff with direction on future use of herbicides/Glyphosate by the City.

Estimated Time: 30 Minutes

**8. DEVELOPMENT OF A TEMPORARY DOWNTOWN DOG PARK AT FORMER
COMMUNITY GARDEN SITE**

Recommendation:

Provide direction to City Staff on Parks and Recreation Commission proposed temporary Downtown Dog Park.

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.

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.



Peace Officers Memorial Day & National Police Week

Across our Nation, law enforcement officers carry the great responsibility of protecting their fellow citizens. On Peace Officers Memorial Day and during National Police Week, we honor these public servants who fight crime, violence, and terrorism, and we pay homage to the heroes who have fallen in the line of duty.

as we observe Peace Officers Memorial Day and National Police Week, we pause to pay tribute to those who serve in law enforcement. On this occasion, we especially remember those who have made the ultimate sacrifice, and we pray for the families and friends they have left behind. We thank all the extraordinary American men and women who have answered the call to serve in law enforcement for their commitment to justice and to their communities.

Emergency Medical Services Week

The emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

Public Works Week

The Public Works Department keeps our community fully functioning through a broad range of services such as infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Morgan Hill; and

These infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees from state and local governments and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our residents; and

National Public Works Week allows an opportunity to recognize and thank all our Public Works teammates for the work they do to improve our City's infrastructure. These essential services are especially important during challenging times like Covid-19.

Supplement & Presentation List

May 19, 2021

City Council Meeting

Supplements

Item 6- Supplement 1 – Traffic Calming – Survey Results

Item 6- Supplement 2 – Traffic Calming – Letters/email from the community

Item 6- Supplement 3 – Traffic Calming – Q&A

Item 6- Supplement 4 – Traffic Calming – Letters/email from the community

Item 6- Supplement 5 – Traffic Calming – Email from Daniel Redfield

Presentations

Housing Workshop- Staff Presentation

Item 6- Traffic Calming- Staff Presentation

Item 7- Glyphosate- Staff Presentation

Item 8- Dog Park- Staff Presentation



City Council Meeting Housing Workshop #1 “All Things Housing”



May 19, 2021



UPCOMING ENGAGEMENT EVENTS:

Four virtual 5:30 PM community workshops :



- All Things Housing - Wednesday, May 19th
- State Mandates for Housing Production - Wednesday, June 2nd
- Housing Affordability - Wednesday, June 16th
- Housing and Long-Term Sustainability - Wednesday, June 23rd

In addition to the workshops above, here are additional opportunities to join the conversation:

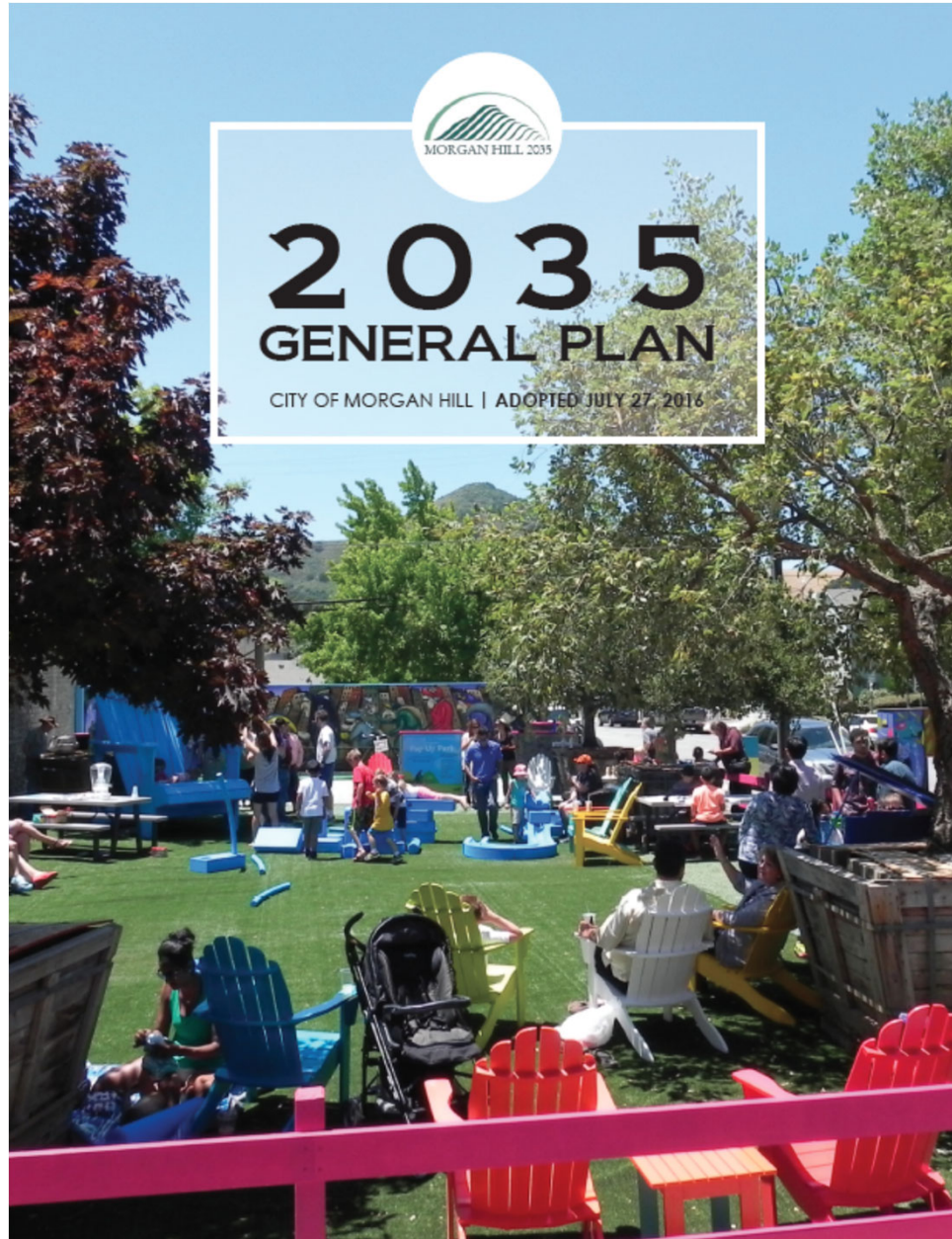
- Affordable Housing 101 in Spanish with English Translation - Tuesday, May 18th at 5:00 pm (link to meeting to be updated)
- All Things Housing - Saturday, May 22nd, 9 am to noon, Third St. in front of parking garage
- Hablando Vivienda con Nuestras Familias in Spanish with English Translation - Sunday, May 23rd at 2:00 pm
- A Model for Agricultural Workforce Housing in South County - Friday, May 28th at 10:00 am
- Creating Inclusive Communities through Design Form - Thursday, June 10th at 5:30 pm

<https://www.morgan-hill.ca.gov/2162/2021-Housing-Conversation>

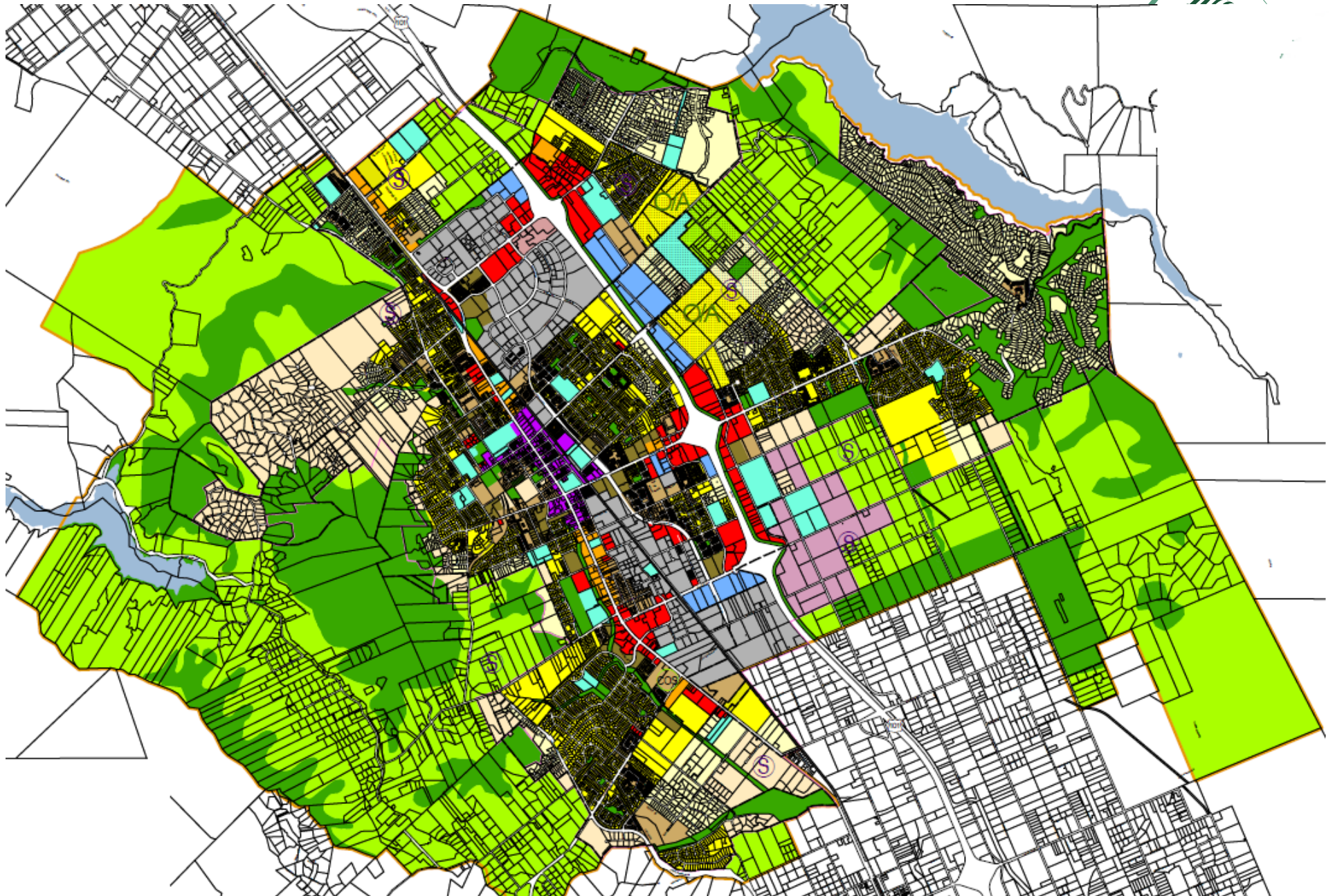


**Housing in Morgan Hill is regulated by
the following documents:**

General Plan



General Plan Land Use Map





Housing Element

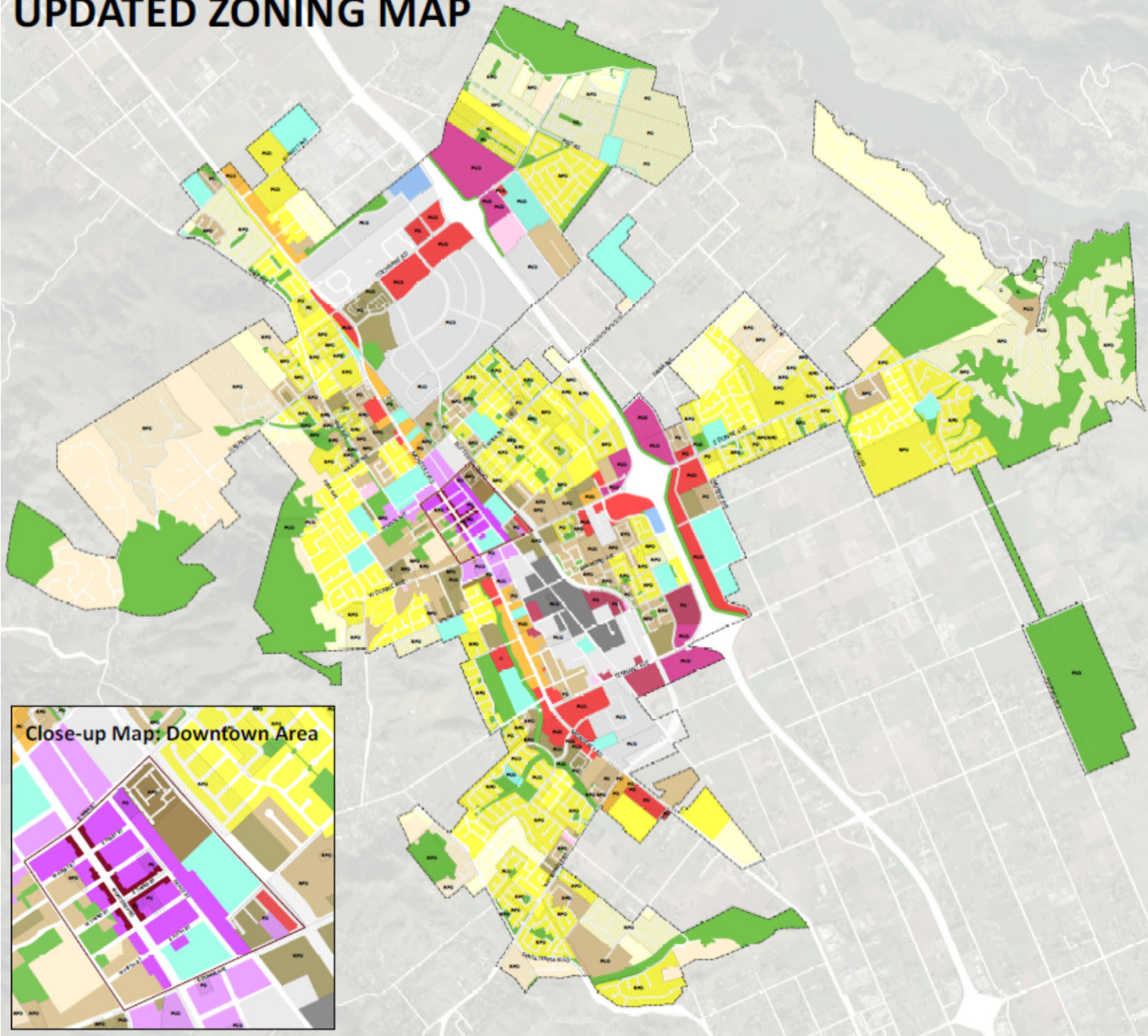


City of Morgan Hill

Housing Element

Adopted February 18, 2015

February 6, 2019
**CITY OF MORGAN HILL
UPDATED ZONING MAP**



CITY OF MORGAN HILL – SEPTEMBER 2018



RDCS Competition Manual





RESIDENTIAL DEVELOPMENT DESIGN AND DEVELOPMENT STANDARDS

Adopted December 2019

Updated December 2020

These Standards implement requirements of Senate Bill (SB) 330 Housing Crisis Act of 2019 (Government Code Section 65589.5) and Senate Bill (SB) 35 Streamlined Approval Process (Government Code Section 65913.4) and shall remain in effect until SB 330 and SB 35 are rescinded or extended.

I. PURPOSE

The purpose of the Residential Development Design and Development Standards is to articulate project design requirements for all residential and mixed-use developments. These standards will be utilized to detail the review process by clearly stating the City of Morgan Hill's objectives for high quality, residential projects that are aesthetically pleasing, livable, sustainable, well-connected to neighborhood services. The City is required to compile one or more lists that specify in detail the information required from any applicant for a development project.

ORDINANCE NO. 2278 NEW SERIES

**AN ORDINANCE OF THE CITY OF MORGAN HILL
ADDING TITLE 14 "HOUSING" TO THE MORGAN HILL
MUNICIPAL CODE INCLUDING CHAPTER 14.04
"INCLUSIONARY HOUSING" THAT MANDATES 15
PERCENT AFFORDABLE HOUSING UNITS FOR NEW
RESIDENTIAL DEVELOPMENTS WITHIN THE CITY**

WHEREAS, the Morgan Hill City Council desires to adopt a Citywide Inclusionary Housing Program to enhance the public welfare by establishing policies that require the development of housing affordable to households of very low-, low-, and moderate-incomes, enable the City to meet its share of regional housing needs, and implement the City's Housing Element goals and objectives; and

WHEREAS, a Citywide Inclusionary Housing Program will assist in alleviating the lack of available residential land for affordable housing because market-rate development will be required to contribute to the provision of housing affordable for all segments of the Morgan Hill community; and

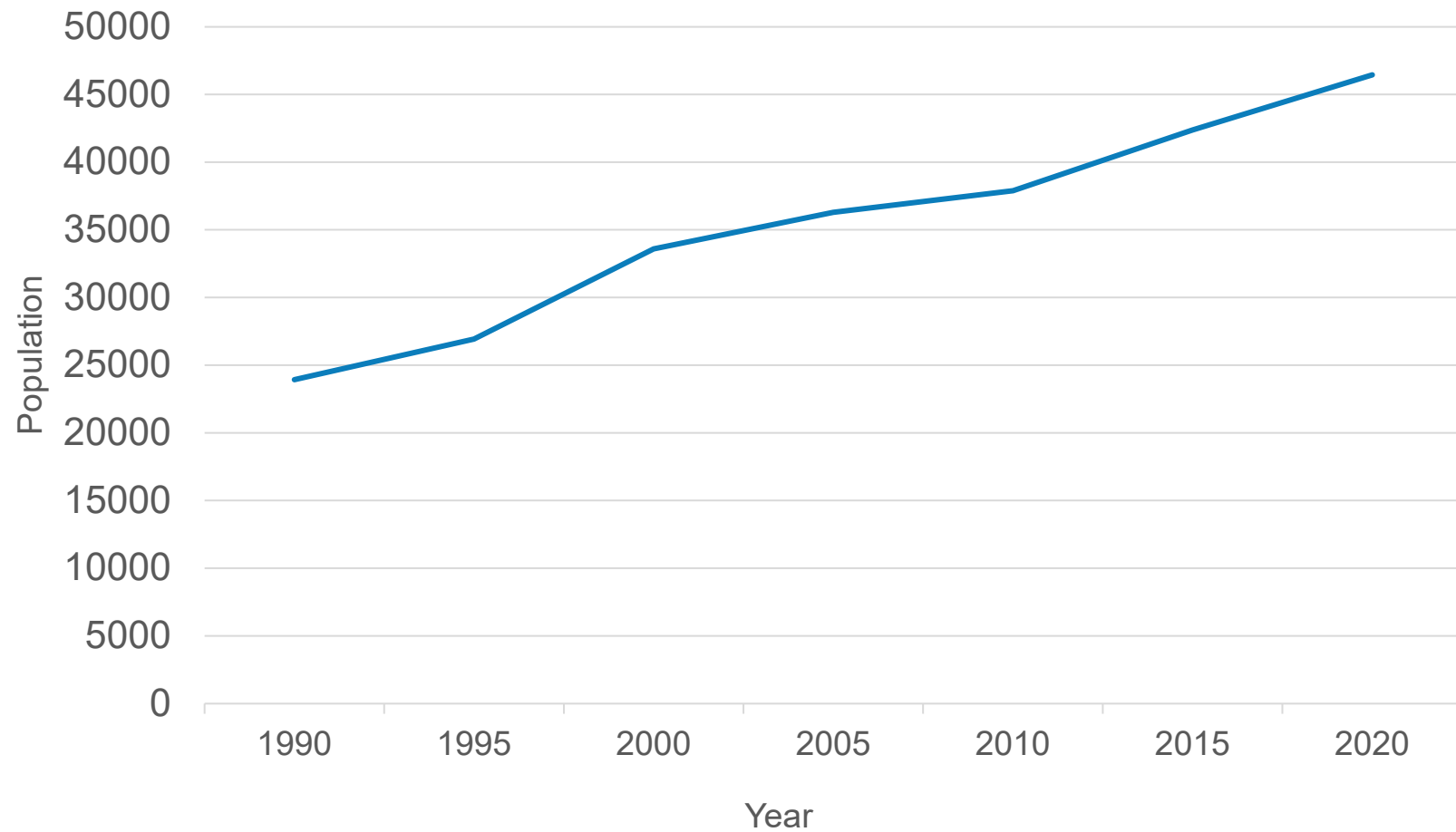
WHEREAS, a Citywide Inclusionary Housing Program will also assist in meeting the demand for housing affordable to very low-, low-, and moderate-income households caused by the service demands of new residents in market-rate residential units; and

WHEREAS, since 1977, the City has amassed one of the largest below market-rate ("BMR") property portfolios in the State, and has established a BMR Program that provides affordable ownership and rental opportunities to low-income and moderate-income households; and

WHEREAS, the Legislature of the State of California has found that the availability of housing is of critical statewide importance, and that providing housing for all Californians requires the cooperative participation of state and local governments and the private sector; and

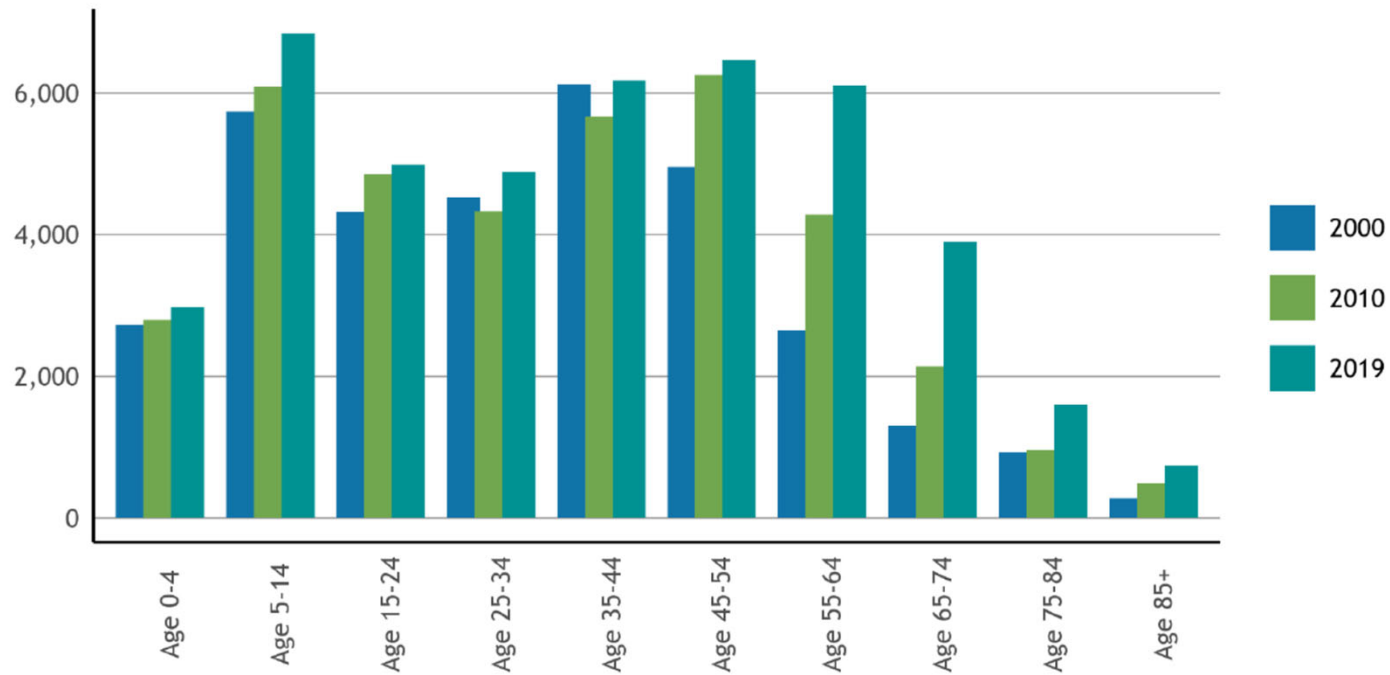


Population, 2000-2020





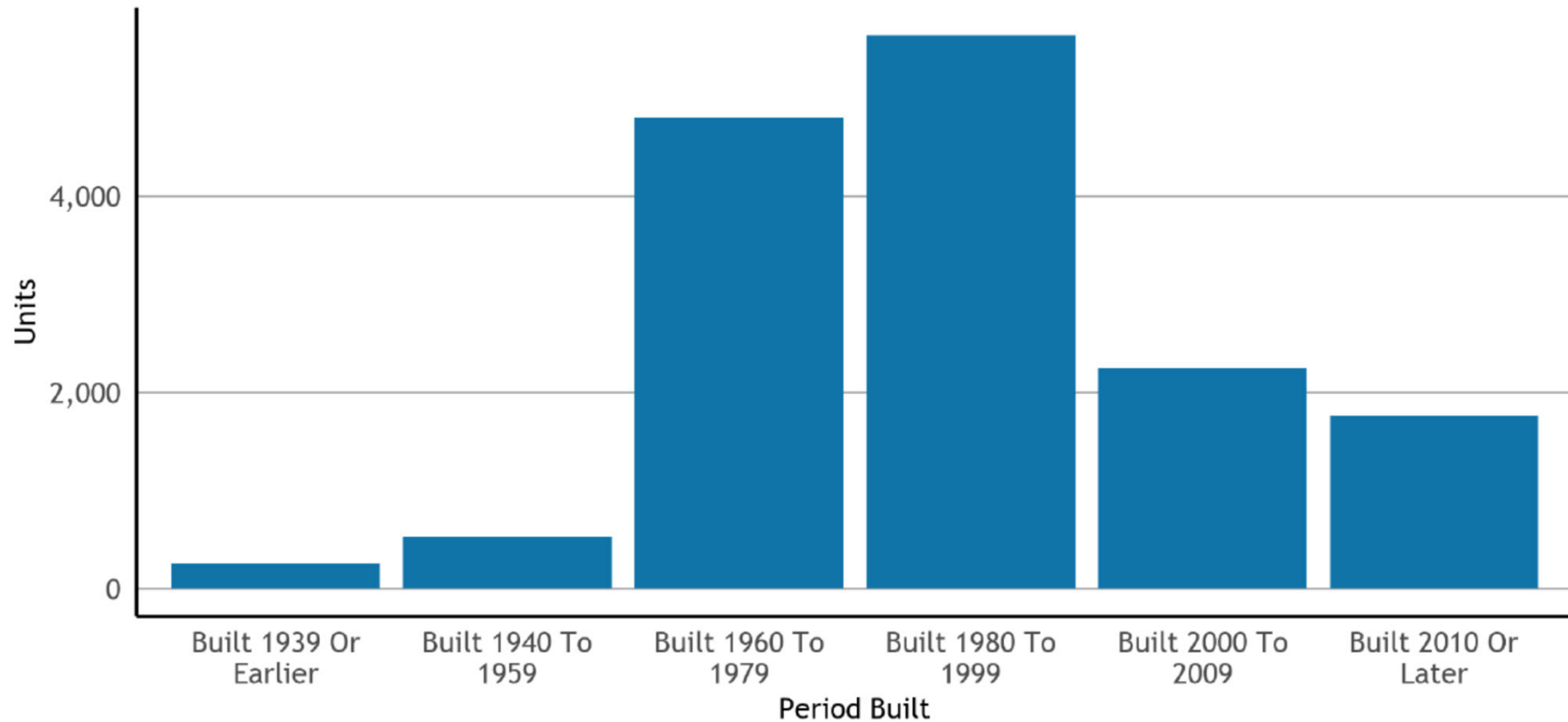
Population by Age, 2000-2019



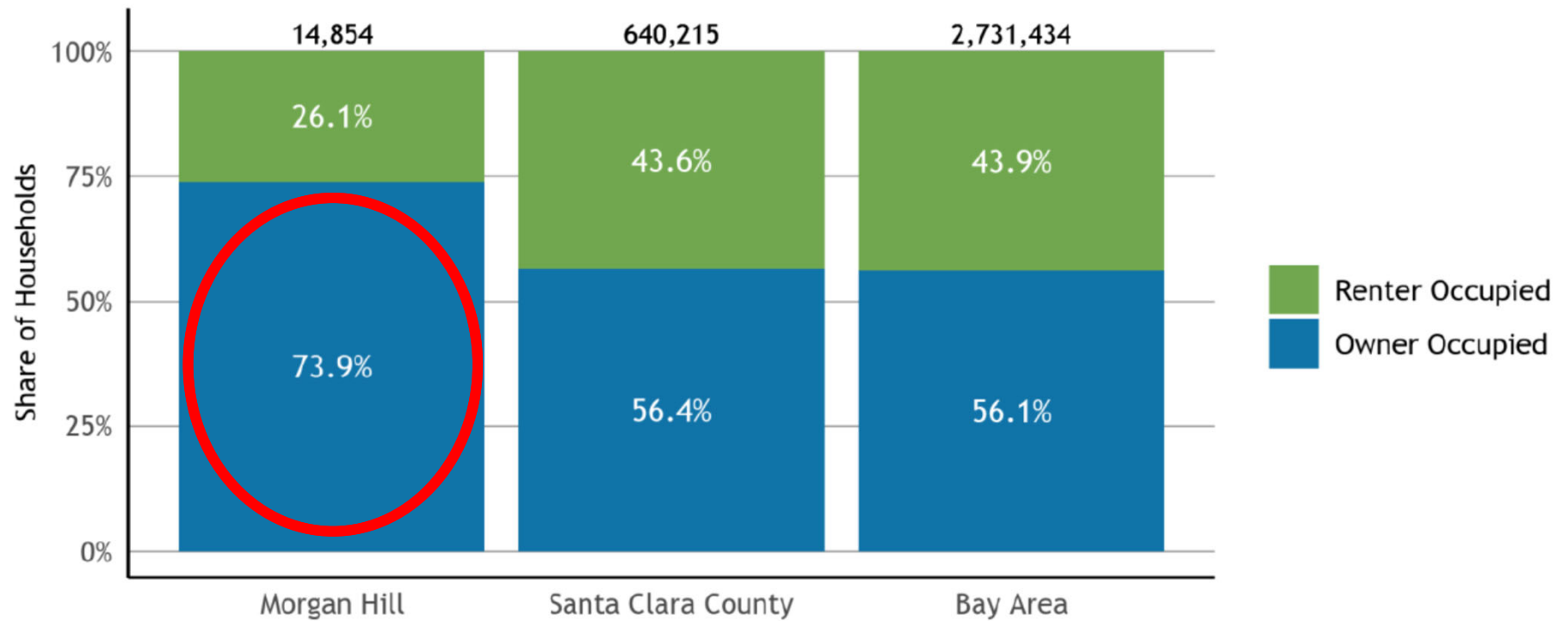


HOUSING FACTS

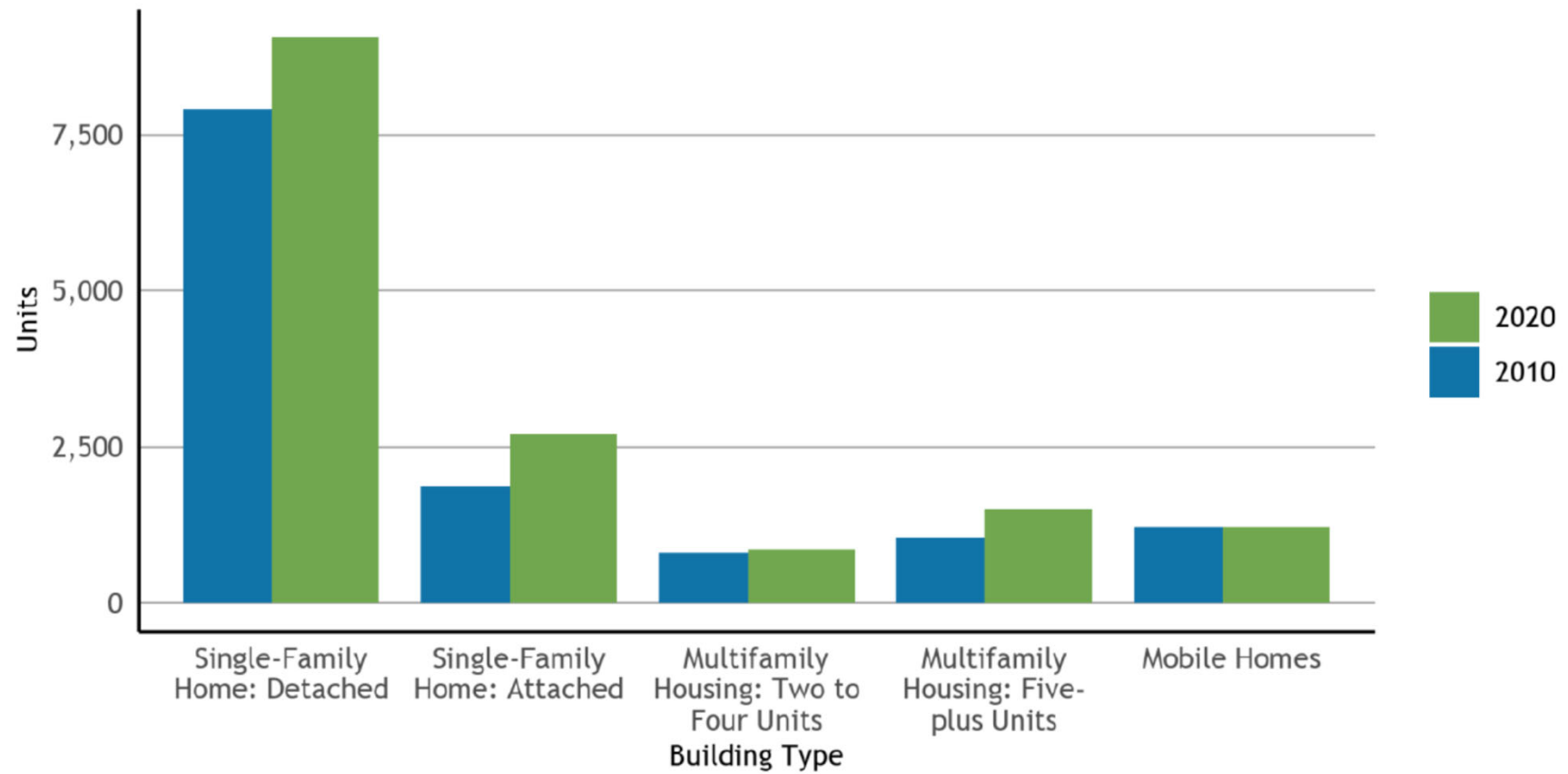
Housing Units by Year Built



Housing units by tenure



Housing Stock



WHAT IS AFFORDABLE?



Retail Store Clerk
(1-Person Household)



Pre-School teacher + 2 kids
(3-Person Household)



UPS Driver + Pt Food Service + 3 kids
(5-Person Household)

**Housing Payment
is no more than
30% of gross
income**

**Income Qualification
Required**

**Exists in both
Ownership & Rental
Opportunities**

California Housing and Community Development (HCD) income limits



Levels of affordability are based upon **Area Median Income or AMI** which is calculated for each locality and household size

Santa Clara County's AMI is **\$151,300** for a 4-person family and **\$105,900** for a 1-person family

Low-income is considered approx. 80% of AMI or \$117,750 for a 4-person household

California Housing and Community Development (HCD) income limits



If you make up to **\$181,550** for a 4-person household and up to **\$127,100** for a 1-person household, you qualify for **affordable housing**

California Housing and Community Development (HCD) income limits



Income Levels:

- ELI - Extremely low income: 0-30% of AMI
- VLI - Very low income: 30% to 50% of AMI
- Low income: 50% to 80% of AMI
- Moderate income: 80% to 120% of AMI

California Housing and Community Development (HCD) income limits



**HCD Income Table
(Effective April 26, 2021)**

Household size	1	2	3	4	5	6	7	8
Extremely Low 0-30%	\$34,800	\$39,800	\$44,750	\$49,700	\$53,700	\$57,700	\$61,650	\$65,650
Very Low 30-50%	\$58,000	\$66,300	\$74,600	\$82,850	\$89,500	\$96,150	\$102,750	\$109,400
Lower 50-80%	\$82,450	\$94,200	\$106,000	\$117,750	\$127,200	\$136,600	\$146,050	\$155,450
Median	\$105,900	\$121,050	\$136,150	\$151,300	\$163,400	\$175,500	\$187,600	\$199,700
Moderate 80-120%	\$127,100	\$145,250	\$163,400	\$181,550	\$196,050	\$210,600	\$225,100	\$239,650



Cost Burdened in Morgan Hill



- 37% of all households spend more than 30% of income on rent
- 32% of owner households spend over 30% on mortgages
- 51% of rental households spend over 30% on rent
- The percentages are higher for households in the lower income tiers. For example, 69% of all households that earn under \$50,000 per year are rent burdened.
- 61% of households that earn under \$50k and own a home are cost burdened.
- 78% of rental households that earn under \$50k are rent burdened.

Census (ACS 2019)



HOUSING PROJECTS PROCESSING OR UNDERWAY

Housing Projects Underway

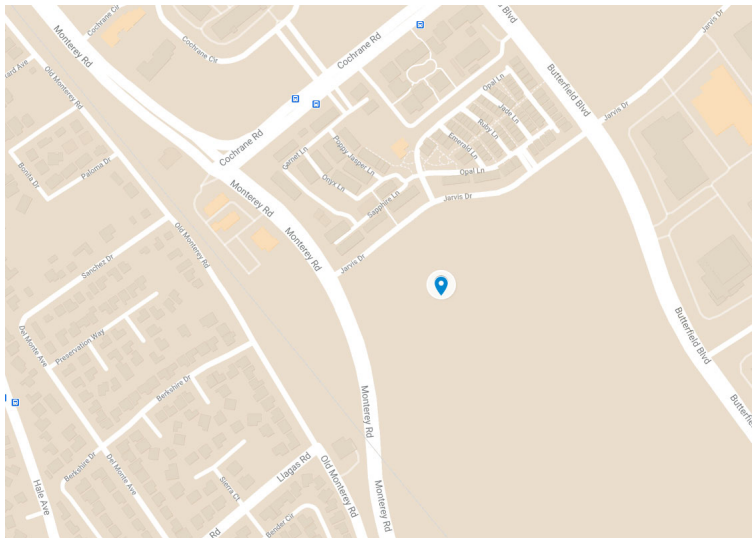


CITY OF MORGAN HILL

Morgan Hill Apartments (Braddock and Logan)



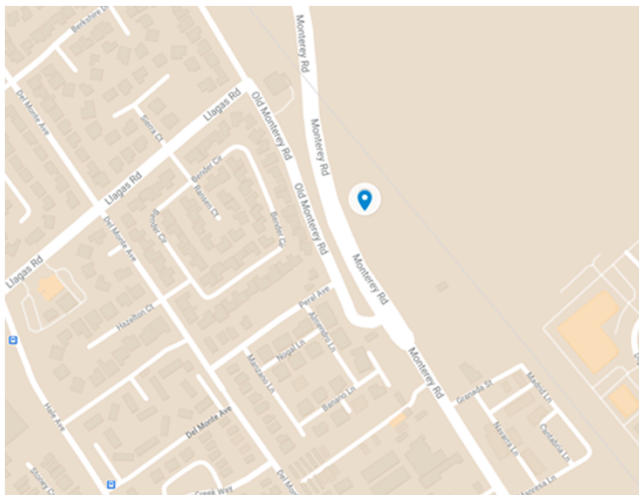
- 389 Apartments, including 78 very low-income
- Design Permit approved, grading underway
- <http://www.morgan-hill.ca.gov/1959/Morgan-Hill-Apartments>



Monterey Gateway (City Ventures)



- 101 Townhomes
- Design Permit and Building Permits approved
- Construction underway
- <http://www.morgan-hill.ca.gov/1978/Monterey---City-Ventures>



Housing Projects Submitted or Pending



Monterey-Madrone (Jemcor)



- 249 units - 100% Affordable – Density Bonus & SB330
- Application Complete – next step CEQA review
- <http://www.morgan-hill.ca.gov/2096/Monterey-Madrone-Affordable-Housing-Deve>



Crossings at Watsonville Road (UHC)



- 73 units - 100% Affordable – Density Bonus & SB330 (no density bonus, only concessions)
- Application Complete – CEQA underway
- <http://www.morgan-hill.ca.gov/2082/Watsonville-Hordness-Crossings-at-Monter>



The Magnolias

(First Community Housing)

- 66 units - 100% Affordable – Density Bonus and SB330
- Application complete - next step CEQA review
- <http://www.morgan-hill.ca.gov/2142/Monterey---First-Community-Housing-Magno>



Monterey-Manzanita Park (Dividend)



- 67 units
- Application Complete – CEQA review underway
- <http://www.morgan-hill.ca.gov/2074/Manzanita-Park>



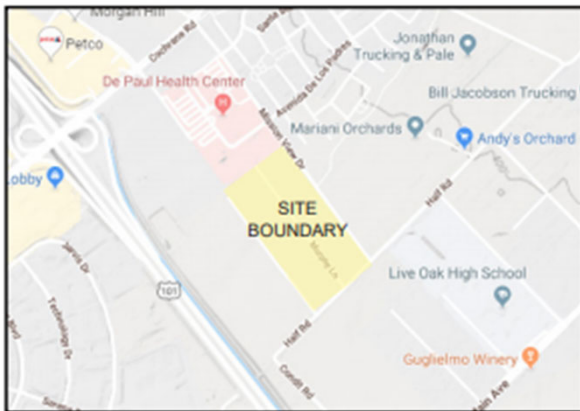
Morgan Hill Senior Housing (Beacon)

- 82 units – 100% affordable - low-income senior apartments
- Design Permit Approved
- Demolition Permit approved
- <http://www.morgan-hill.ca.gov/2016/Morgan-Hill-Senior-Housing>



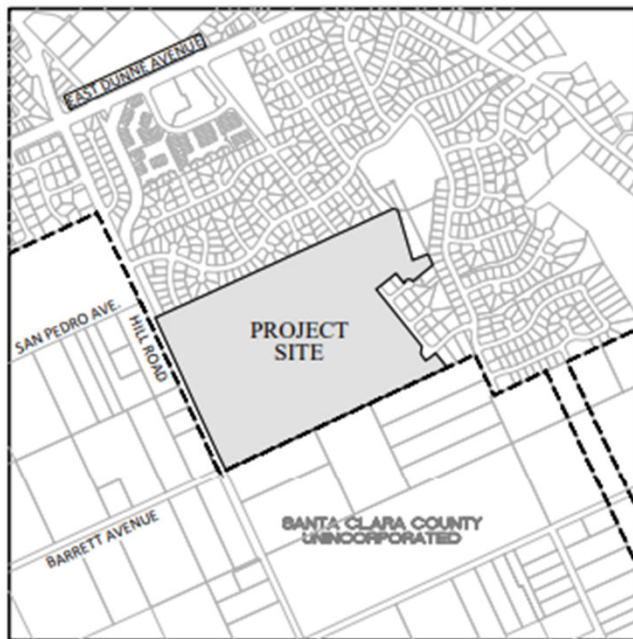
Crosswinds (Dividend)

- 269 units
- Environmental review underway
- <http://www.morgan-hill.ca.gov/2042/Half-Dividend-Crosswinds-Residential-Dev>



New Horizons (Morgan Hill Devco)

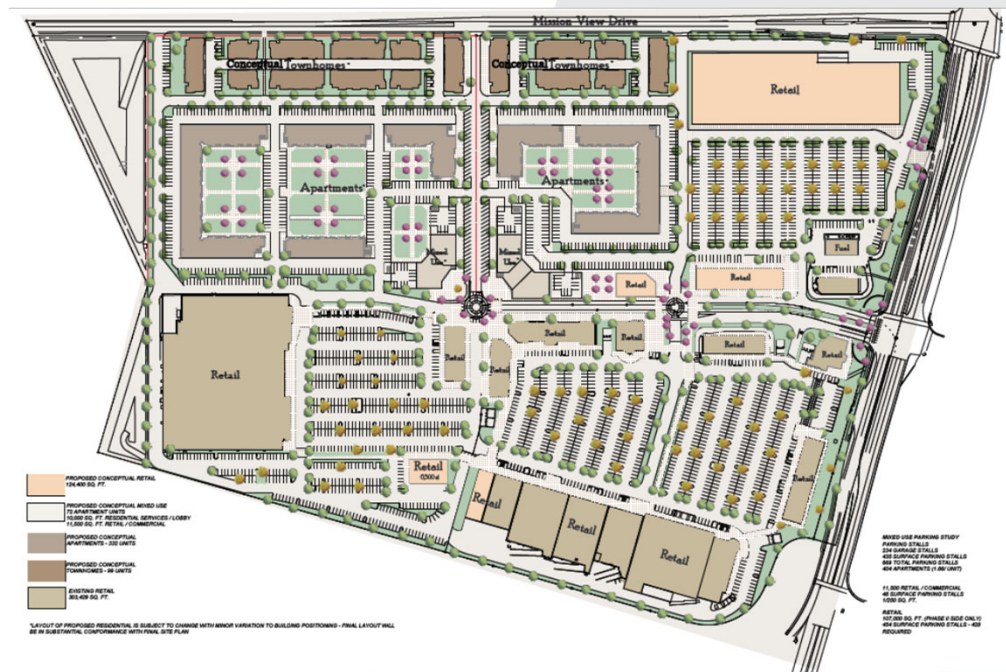
- Proposed General Plan & Zoning amendments
- Environmental underway
- <http://www.morgan-hill.ca.gov/2041/Hill---Morgan-Hill-Devco-LLC>



Cochrane Shopping Center (Browman Development)



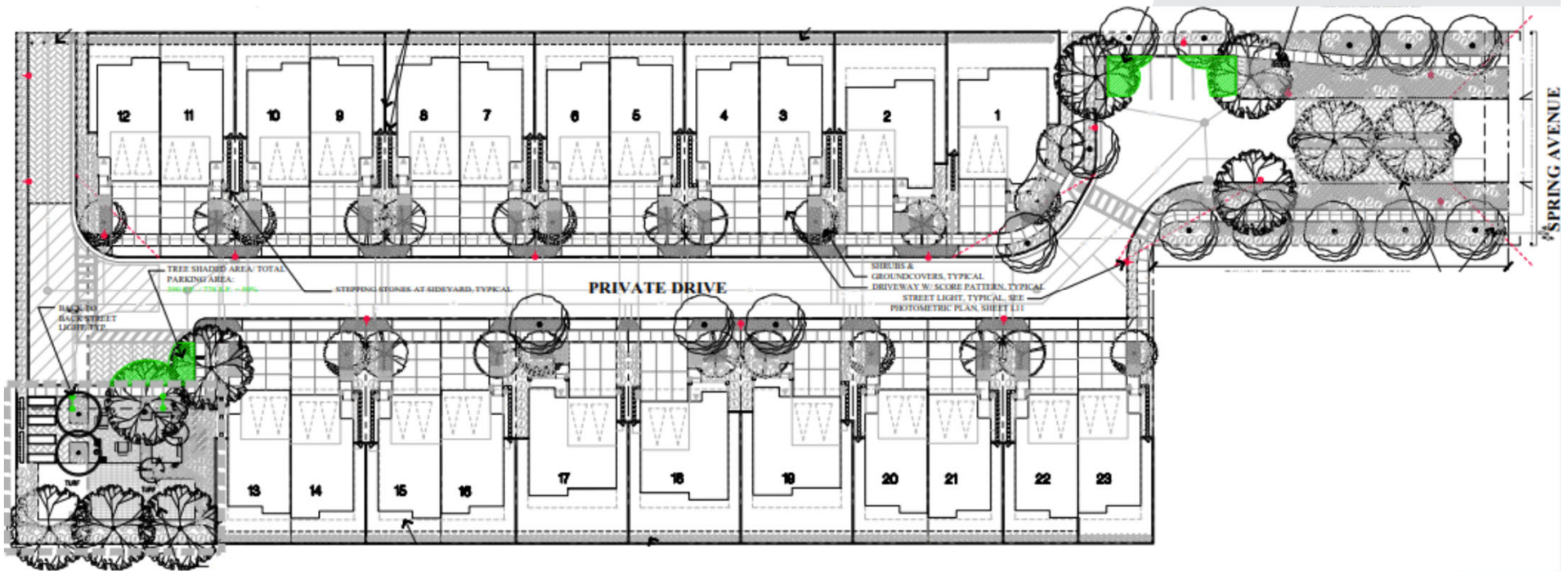
- Proposed General Plan amendment and additional housing units as part of Planned Development Amendment for Phase 2
- Environmental Review underway



• <http://www.morgan-hill.ca.gov/2069/Cochrane-Commons>

Spring - Giancola

- 23 units
- Application Complete – CEQA review underway



Tennant - Osito



- 16 units
- Design Permit approved
- <http://www.morgan-hill.ca.gov/2066/Tenant-Osito>



Project pages and a slide deck with updates on all significant projects (including commercial and industrial projects) can be found here:

<http://www.morgan-hill.ca.gov/1958/Development-Projects>

City staff provides a quarterly update on projects to City Council



JUNE 2, 2021 WORKSHOP



State Mandates for Housing Production

- Existing Laws
- New Laws being considered
- Regional Housing Needs Draft Allocation
- Housing Element Requirements
- Penalties for non-compliance



UPCOMING ENGAGEMENT EVENTS:

Virtual 5:30 PM community workshops :



- State Mandates for Housing Production - Wednesday, June 2nd
- Housing Affordability - Wednesday, June 16th
- Housing and Long-Term Sustainability - Wednesday, June 23rd

Additional opportunities to join the conversation:

- All Things Housing - Saturday, May 22nd, 9 am to noon, Third St. in front of parking garage
- Hablando Vivienda con Nuestras Familias in Spanish with English Translation - Sunday, May 23rd at 2:00 pm
- A Model for Agricultural Workforce Housing in South County - Friday, May 28th at 10:00 am
- Creating Inclusive Communities through Design Form - Thursday, June 10th at 5:30 pm



Morgan Hill Housing Conversation

[https://www.morgan-hill.ca.gov/2162/2021-Housing-
Conversation](https://www.morgan-hill.ca.gov/2162/2021-Housing-Conversation)



QUESTIONS?



From: [Toni Tryforos](#)
To: [CC Public Comment](#)
Subject: [EXTERNAL] Parking Discussion
Date: Wednesday, May 19, 2021 8:09:32 PM

Good Evening City Council Team -Very informative workshop meeting tonight! I didn't have to ability to ask a question during the call so sending this communication.

With the new apartment structures coming to MH what is the reasoning why there cannot be underground parking for the residence? I moved from SJ and the greater majority of new and old complexes there have underground parking. It provides a much safer environment rather than people being forced to park on the street. Why aren't the developers not being held responsible for providing adequate parking?

I live at Madrone Plaza off Butterfield and Jarvis. I know people in my community are concerned when the new apartment complex is built it will take away street parking from us. Is the apartment complex going to have some kind of barrier wall or will they too have access to street parking on Jarvis? Another concern is also people from the apartments may use our property as a short cut to get to Cochran rather than using Monterey or Butterfield.

Are you able to provide a list of state representatives who are the drivers of the housing bills and not allowing flexibility at the city level?

Thanks in advance,
Toni Tryforos

Sent from my iPhone

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