



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, June 23, 2021 5:30 p.m.

Virtual Meeting

AMENDED AGENDA

Please note that the recommended actions for item 1 have been amended to add a new recommendation
(changes in red below).

PUBLIC NOTICE

The Public Hearing to consider Vehicle-Miles-Traveled (VMT) screening criteria and thresholds of significance regarding the City's implementation of State Senate Bill 743 (SB 743) transition from Level-of-Service (LOS) to VMT as the metric for transportation analysis under the California Environmental Quality Act (CEQA) for development projects that was noticed for consideration by the City Council at this meeting will be continued to a date uncertain. This will be duly noticed.

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
<<mailto:ccpubliccomment@morganhill.ca.gov>>

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

SPECIAL/REGULAR MEETING

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

5:30 p.m. Housing Sustainability Workshop

6:30 p.m. Closed Session

7:00 p.m. Regular Meeting

SPECIAL MEETING

5:30 p.m. Housing Sustainability Workshop

6:30 p.m. Closed Session

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2

City Clerk Michelle Bigelow

WORKSHOP

This workshop is the fourth in a series of Housing Workshops that will look at the current and future state of housing in Morgan Hill. This workshop is called "Housing Sustainability." Staff will present and discuss the following:

- o How the City plans for infrastructure needs, including planning for water, sewer, roads, police, and fire.
- o How the City can maintain long-term sustainability in the context of all of the new State-mandated housing production.

WORKSHOP PRESENTATION

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8.)

Property: APN's - 817-06-001
Agency negotiator: Christina Turner and Chris Ghione
Negotiating parties: Chu, John C. and May-Jih C.
Under negotiation: Price and Terms of Payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8.)

Property: APN's - 762-61-3052 (Community and Cultural Center)
Agency negotiator: Christina Turner and Chris Ghione
Under negotiation: Price and Terms of Lease

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Gov. Code section 54956.9(d)(2).): (one case).

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.

PROCLAMATIONS

Proclaiming the month of July as Parks & Recreation Month

RECOGNITIONS

Recognizing Fred Gomez for his years of service to Morgan Hill

CITY COUNCIL REPORTS

Council Member Spring

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. APPROVE AN IMPROVEMENT AGREEMENT AND A DEFERRED IMPROVEMENT AGREEMENT WITH TSC MOTORS INC. (MORGAN HILL CDR+J DEALERSHIP), AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN ASSOCIATED RIGHT-OF-WAY ACQUISITION AGREEMENT WITH THE OWNER OF THE PROPERTY WITH ASSESSOR'S PARCEL NUMBER (APN) 728-17-032

Recommendation:

1. Approve an Improvement Agreement with TSC Motors Inc.;
2. Approve a Deferred Improvement Agreement with TSC Motors Inc.;
3. Authorize the City Attorney to review and approve an alternative form of security to be provided by TSC Motors Inc. as part of the Improvement Agreement for the Morgan Hill CDR+J Dealership Project;
4. Authorize the City Manager to execute the Improvement Agreement and Deferred Improvement Agreement;
5. Authorize the recordation of the Improvement Agreement and Deferred Improvement Agreement; and
6. Authorize the City Manager to negotiate and execute a Right-of-Way Acquisition Agreement with the Owner of the property with Assessor's Parcel Number (APN) 728-17-032.

2. APPROVE SECOND AMENDMENT TO MAINTENANCE SERVICE AGREEMENT WITH ANIMAL DAMAGE MANAGEMENT, INC.

Recommendation:

1. Determine that competitive bids upon notice would not likely result in a lower price to the City from a responsible bidder or would cause unnecessary expense or delay under the circumstances per Section 3.04.150 (1) of the Morgan Hill Municipal Code; and
2. Authorize the City Manager to execute and administer the Second Amendment to the Maintenance Service Agreement with Animal Damage Management, Inc., extending the agreement for one additional year of service at annual amount of \$35,160 for a new total contract amount of \$140,640 over 4 years.

3. APPROVE THIRD AMENDMENT TO AGREEMENT WITH INNOVATIVE CLAIMS SOLUTIONS, INC.

Recommendation:

Authorize the City Manager to execute and administer a Third Amendment to Agreement with Innovative Claims Solutions, Inc. to provide third party claims administration for workers' compensation extending the agreement for one additional year of service at annual amount of \$34,380, for a new total contract amount of \$206,600 over 6 years.

4. APPROVE THE JUNE 16, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

5. AWARD POLICE AND PUBLIC SERVICES DEPARTMENTS FLEET SERVICE AGREEMENT TO FRANK'S AUTO SERVICE

Recommendation:

1. Award Vehicle Service Agreement to Frank's Auto Service for a total not-to-exceed amount of \$368,308 over three years; and
2. Authorize City Manager to Execute the Agreement.

6. AWARD COMMUNITY AND CULTURAL CENTER BOILER REPLACEMENT PROJECT TO STEPHEN CIARI PLUMBING AND HEATING, INC.

Recommendation:

1. Adopt resolution amending the Fiscal Year 2020-21 Adopted Budget to appropriate an additional \$28,101 from the Building Replacement Fund (741) for the Community and Cultural Center Boiler Replacement Project;
2. Award contract to Stephen Ciari Plumbing and Heating, Inc. in the amount of \$98,274 and authorize the expenditure of (10%) contingency funds not to exceed \$9,827 for a total authorization of \$108,101; and
3. Authorize the City Manager to execute and administer that certain contract with Stephen Ciari Plumbing and Heating, Inc.

7. AWARD OF EAST FIFTH STREET SEWER MAIN PROJECT TO PACIFIC UNDERGROUND CONSTRUCTION, INC.

Recommendation:

1. Approve East 5th Street Sewer Main Project plans and specifications;
2. Award contract to Pacific Underground Construction, Inc. for the East 5th Street Sewer Main Project in the amount of \$1,226,730;
3. Authorize expenditure of construction contingency not to exceed \$122,673; and
4. Authorize the City Manager to execute and administer the construction contract with Pacific Underground Construction, Inc.

PUBLIC HEARING

8. ADOPT RESOLUTION ESTABLISHING CREDIT CARD PAYMENT SERVICE FEE

Recommendation:

1. Open/Close public hearing; and
2. Adopt resolution establishing new credit card service fee for development fees and transient occupancy tax payments by credit card.

Estimated Time: 15 Minutes

9. CONSIDER APPEAL OF PLANNING COMMISSION'S APPROVAL OF SD2020-0011/SR2020-0029 THROUGH SR2020-0033 DE PAUL - TRAMMELL CROW MORGAN HILL VENTURE: REQUEST FOR A TENTATIVE PARCEL MAP AND DESIGN PERMITS FOR THE REDWOOD TECH AT 101, A FIVE BUILDING INDUSTRIAL PARK, ON A 29± ACRE SITE (APNS 728-30-006 AND 728-30-009). (AAE2021-0004 AND AAE2021-0005)

Recommendation:

1. Grant a hearing de novo;
2. Open/close public hearing; and
3. Adopt Resolution denying the appeals and reaffirming the decision of the Planning Commission to approve the project subject to Conditions of Approval.

Estimated Time: 120 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.

