



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, September 1, 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 [<mailto: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 Water Workshop.

5:30 p.m. Water Workshop

7:00 p.m. Regular Meeting

SPECIAL MEETING

5:30 p.m. Water 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 intended to provide the City Council and community with background information on the City's water supply system ahead of review of the City's Urban Water Management Plan and Water Supply Contingency Plan.

See agenda materials in item #5 for additional information.

WORKSHOP PRESENTATION

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.

PRESENTATIONS

Edward Boss Prado Foundation Donation Presentation for Aquatics Center Passes

PROCLAMATIONS

Proclaiming the month of September 2021 as National Emergency Preparedness Month

Proclaiming the month of September 2021 as Childhood Cancer Awareness Month and

Honoring Jacob's Heart Children's Cancer Support Services

CITY COUNCIL REPORTS

Council Member Borgioli

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

September 1, 2021

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 ON-CALL WATER AND SEWER REPAIR AGREEMENTS

Recommendation:

1. Approve and authorize the City Manager to execute an agreement with West Valley Construction Company, Inc. in the not to exceed amount of \$150,000 for on-call as needed water and sewer repairs; and
2. Approve and authorize the City Manager to execute an agreement with Pacific Underground Construction, Inc. in the not to exceed amount of \$50,000 for on-call as needed water and sewer repairs.

2. APPROVE ANTENNA GROUND LICENSE AGREEMENT FOR NEW CELL TOWER AT THE OUTDOOR SPORTS CENTER AND RELATED SIDE LETTER AGREEMENT WITH FACILITY OPERATOR

Recommendation:

1. Authorize the City Manager to execute the Cell Tower Hosting Side Letter Agreement with MHOSC; and
2. Authorize the City Manager to execute the Antenna Ground License with New Cingular Wireless PCS for the siting of a new cell tower at the Outdoor Sports Center.

3. ADOPT RESOLUTION DECLARING THE SUMMARY VACATION OF A PORTION OF THE SUTTER BOULEVARD STREET EASEMENT, AND THE ADJACENT LANDSCAPE AND PUBLIC SERVICE EASEMENTS BETWEEN BUTTERFIELD BOULEVARD AND DIGITAL DRIVE

Recommendation:

1. Adopt resolution declaring the Summary Vacation of:
 - a. A portion of Sutter Boulevard street easement between Butterfield Boulevard and Digital Drive; and
 - b. Adjacent 15-foot wide Landscape and Public Service Easements on both sides of Sutter Boulevard between Butterfield Boulevard and Digital Drive;
2. Direct the City Clerk to file a certified copy of the Resolution of Vacation in the Office of the Recorder of Santa Clara County; and
3. Authorize the City Manager to sign Quitclaim Deeds of the vacated portion of Sutter Boulevard on behalf of the City and direct the City Clerk to file in the Office of the Recorder of Santa Clara County.

4. ADOPT RESOLUTION DECLARING THE SUMMARY VACATION OF A PORTION OF MONTEREY ROAD STREET RIGHT-OF-WAY, NORTH OF COCHRANE ROAD, AND RESERVATION OF A PUBLIC SERVICE EASEMENT

Recommendation:

1. Adopt resolution declaring the Summary Vacation of a portion of Monterey Road street right-of-way, north of Cochrane Road, and reservation of a public service easement;
2. Direct the City Clerk to file a certified copy of the Resolution of Vacation in the Office of the Recorder of Santa Clara County; and
3. Authorize the City Manager to sign Quitclaim Deeds of the vacated portion of Monterey Road on behalf of the City and direct the City Clerk to file in the Office of the Recorder of Santa Clara County.

PUBLIC HEARING

5. RECEIVE 2020 URBAN WATER MANAGEMENT PLAN AND 2020 WATER SHORTAGE CONTINGENCY PLAN

Recommendation:

1. Receive 2020 Urban Water Management Plan and 2020 Water Shortage Contingency Plan; and
2. Open and close the public hearing for the 2020 Urban Water Management Plan and 2020 Water Shortage Contingency Plan.

Estimated Time: 20 Minutes

OTHER BUSINESS

6. APPROVE A DISPOSITION AND DEVELOPMENT AGREEMENT AMENDMENT AND AMENDMENT TO THE FISCAL YEAR 2021-22 BUDGET FOR THE DEPOT - LATALA PROJECT

Recommendation:

1. Adopt resolution authorizing the City Manager to execute an amendment to the Disposition and Development Agreement for the Hale Lumber site; and
2. Adopt resolution amending the Fiscal Year 2021-22 Budget appropriating \$755,591 from the Public Facilities Fund (346) and \$138,263 from the Undergrounding Fund (350).

Estimated Time: 45 Minutes

7. APPROVE POLICY CRITERIA FOR ONE-TIME AMERICAN RESCUE PLAN ACT (ARPA) FUNDING FOR COMMUNITY ORGANIZATIONS

Recommendation:

Approve policy criteria for one-time ARPA funding to nonprofit organizations serving the residents and businesses of Morgan Hill.

Estimated Time: 30 Minutes

8. RECEIVE MONTHLY BUDGET UPDATE AND JULY 2021 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

Estimated Time: 10 Minutes

9. ADOPT POLICY REGARDING THE APPOINTMENT OF EMERGENCY STANDBY COUNCIL MEMBERS

Recommendation:

Adopt resolution approving the City Council Policies and Procedures CP-21-01 "Appointment of Emergency Standby City Council Members."

Estimated Time: 15 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority:	Gov. Code section 54956.8
Property:	APN's - 762-61-3052 (Community and Cultural Center)
Agency negotiator:	Christina Turner, City Manager and Chris Ghione, Public Services Director
Under negotiation:	Price and Terms of Lease

CONFERENCE WITH LABOR NEGOTIATORS

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	Christina Turner City Manager; Donald Larkin, City Attorney; Michael Horta, Human Resources Director; Dat Nguyen, Finance Director
Employee Organization:	Morgan Hill Police Officers Association Employees Covered under Management Resolution #21-025 AFSCME Local 101 Morgan Hill Community Service Officers Association

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.