



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, November 17, 2021 6:00 p.m.

Virtual Meeting

VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT

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

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

Public comment may be provided in the following ways:

- Join the virtual City Council meeting via the link above, when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes
 - 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 6:00 p.m. for the purpose of conducting a closed session.

6:00 p.m. Closed Session

7:00 p.m. Regular Meeting

SPECIAL MEETING

6:00 p.m. Closed Session

CLOSED SESSIONS ARE NOT OPEN TO THE PUBLIC. YOU MAY JOIN THE MEETING AT 6:00 P.M. TO SUBMIT PUBLIC COMMENT FOR CLOSED SESSION ITEMS THEN EXIT AND REJOIN THE REGULAR MEETING AT 7:00 P.M.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2

City Clerk Michelle Bigelow

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority: Government Code 54957(b)(1)

Title: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority: Government Code 54957(b)(1)

Title: City Attorney

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

YAC PRESENTATION- ASSET # 34- CULTURAL COMPETENCE

PROCLAMATIONS

Proclaiming the month of November 2021 as Family Court Awareness Month

November 17, 2021

Proclaiming the month of November 2021 as Alzheimer's Awareness Month

Proclaiming the month of November 2021 as Native American Heritage Month

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 RESIGNATION OF PLANNING COMMISSIONER JUAN MIGUEL MUNOZ MORRIS

Recommendation:

1. Accept Juan Miguel Munoz Morris' resignation from the Planning Commission effective immediately; and
2. Direct the City Clerk to continue recruitment efforts to fill an unexpired term ending June 2023, on the Planning Commission.

2. ADOPT RESOLUTION AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR THE FY 2021/2022 DROUGHT RELIEF WATER SUPPLY PROJECT

Recommendation:

Adopt resolution to:

1. Authorize the grant application, acceptance, and execution for the FY 2021/2022 Drought Relief Water Supply Project; and
2. Authorize the City Manager to execute documents required to apply and accept the grant for the City.

3. APPROVE CONSULTANT AGREEMENT WITH SANDIS CIVIL ENGINEERS SURVEYORS PLANNERS IN THE AMOUNT NOT TO EXCEED \$260,500 FOR ENGINEERING DESIGN SERVICES FOR JACKSON OAKS AND EL TORO UTILITY ACCESS ROADS DESIGN

Recommendation:

1. Adopt resolution amending the Fiscal Year 2021-22 Adopted CIP Budget to appropriate \$200,000 from the Sewer Capital Improvements Project Fund (Fund 643) for Engineering Services for Jackson Oaks Access Roads Design, and \$60,500 from the Water Capital Improvements Project Fund (Fund 653) for Engineering Services for El Toro Access Roads Design; and
2. Authorize the City Manager to execute a consulting agreement with Sandis Civil Engineers Surveyors Planners in the not to exceed amount of \$260,500 for Engineering Services for Jackson Oaks and El Toro Access Roads Design.

4. APPROVE EXEMPTION TO STREET TREE MASTER PLAN FOR FOUR TREES ON THE SOUTHWEST CORNER OF MONTEREY ROAD AND FIRST STREET

Recommendation:

Approve an exemption to the Street Tree Master Plan for the installation of Olive trees to replace Black Locust trees in the Downtown near First Street.

5. APPROVE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MOU WITH MORGAN HILL POLICE OFFICERS' ASSOCIATION (POA) AND CORRESPONDING SALARY SCHEDULES; AND APPROVE MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION, PART-TIME TEMPORARY AND SEASONAL EMPLOYEES SALARY SCHEDULE

Recommendation:

1. Approve a Memorandum of Understanding (MOU) with AFSCME effective December 26, 2021 – December 31, 2023 and corresponding salary schedules;
2. Approve a MOU with POA effective December 26, 2021 - December 31, 2023 and corresponding salary schedules;
3. Approve the Management, Professional, and Confidential Employees Resolution effective December 26, 2021 and corresponding salary schedules; and
4. Approve the Part-Time Temporary and Seasonal Employees salary schedule effective January 1, 2022.

6. APPROVE THE NOVEMBER 3, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

7. RECEIVE REPORT REGARDING UPCOMING 2022 COMMISSION VACANCIES - PER MADDY ACT

Recommendation:

Receive report.

OTHER BUSINESS

8. INTRODUCE ORDINANCE MANDATED BY SB 1383 REQUIRING ORGANIC WASTE DISPOSAL REDUCTION THROUGH ORGANIC WASTE RECYCLING AND EDIBLE FOOD RECOVERY PROGRAMS

Recommendation:

1. Waive first and second reading of the ordinance updating Section 13.28, Solid Waste Collection and Disposal, of the City of Morgan Hill Municipal Code in order to institute the mandatory organic waste disposal reduction requirements required by California law; and
2. Introduce the ordinance.

Estimated Time: 30 Minutes

9. RECEIVE OUTDOOR SPORTS CENTER USE UPDATE

Recommendation:

Receive report on the Outdoor Sports Center.

Estimated Time: 45 Minutes

10. APPROVE AN AFFORDABLE HOUSING AGREEMENT WITH BROOKFIELD PROPERTIES FOR THE RESIDENTIAL DEVELOPMENT ROSEWOOD, BFH CM, LLC. TO ACCEPT A HOUSING IN-LIEU FEE AS SATISFACTION FOR 50% OF THE INCLUSIONARY REQUIREMENT

Recommendation:

Authorize the City Manager to execute an Affordable Housing Agreement with BFH CM, LLC. The agreement will be negotiated and subject to the review and approval by the City Attorney.

Estimated Time: 10 Minutes

11. REVIEW AND APPROVE THE UPDATED CITY COUNCIL MEETING POLICY AND 2022 CITY COUNCIL MEETING SCHEDULE

Recommendation:

Review and approve:

1. Updated City Council Meeting Schedule Policy (City Council Policy 06-02); and
2. The 2022 City Council meeting schedule.

Estimated Time: 10 Minutes

12. SELECT AND APPOINT CITY COUNCIL MAYOR PRO TEMPORE

Recommendation:

1. Open floor to nomination(s) for Mayor Pro Tempore; and
2. Select a Council Member to serve as Mayor Pro Tempore per City Council Policy 99-01.

Estimated Time: 15 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

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

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, equitable, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Equity, Diversity, and Inclusiveness
- Advancing Regional Initiatives
- Advocating for Local Control

2020-2021 Strategic Priorities

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



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