



Regular Meeting Agenda
City Council

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

Wednesday, January 19, 2022 7:00 PM

Virtual Meeting
Link to join the meeting can be found below

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 (669) 900-9128, then enter the webinar id: 841 4277 4329#.

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 (YOU MUST BE RUNNING THE MOST CURRENT VERSION OF ZOOM TO BE UNMUTED)
- Join the virtual meeting by calling 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

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

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2

CITY COUNCIL REPORTS

Mayor Constantine

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

RECOGNITIONS

Friends of the Senior Center \$50,000 Donation

PRESENTATIONS

YAC Presentation - Asset #32
Planning and Decision Making

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

Public Comment Supplement 1

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 2021 PAVEMENT REHABILITATION PROJECT

Recommendation:

1. Accept as complete the 2021 Pavement Rehabilitation Project;
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. ACCEPT \$50,000 DONATION FROM THE FRIENDS OF THE MORGAN HILL SENIOR CENTER

Recommendation:

1. Accept \$50,000 donation from the Friends of the Morgan Hill Senior Center to support services at the Centennial Recreation Senior Center; and
2. Authorize the City Manager to execute any agreements necessary for donation acceptance.

3. ADOPT RESOLUTION IN SUPPORT OF STATE OF CALIFORNIA INITIATIVE CONSTITUTIONAL AMENDMENT, NO. 21-0016 "PROVIDES THAT LOCAL LAND-USE AND ZONING LAWS OVERRIDE CONFLICTING STATE LAWS"

Recommendation:

Adopt resolution supporting the proposed statewide ballot initiative regarding local land use control.

4. ADOPT RESOLUTION DETERMINING THAT CONDUCTION OF IN-PERSON MEETINGS WOULD PRESENT A PUBLIC HEALTH RISK AND CONTINUING TELECONFERENCE MEETINGS

Recommendation:

Adopt resolution to continue holding City Council and commission meetings by teleconference.

5. ADOPT RESOLUTION AUTHORIZING AN APPLICATION FOR THE CALIFORNIA CLIMATE INVESTMENTS-DEPARTMENT OF FORESTRY AND FIRE PROTECTION'S (CAL FIRE) FIRE PREVENTION GRANT PROGRAM.

Recommendation:

Adopt resolution authorizing an application for the California Climate Investments-Department of Forestry and Fire Protection's (CAL FIRE) Fire Prevention Grant Program.

6. APPROVE PROPERTY USE AGREEMENT WITH WOODLAND ESTATES

Recommendation:

Authorize the City Manager to Execute a Property Use Agreement for City-owned Open Space with Woodland Estates for a fee of \$1 per year.

7. APPROVE PARCEL MAP FOR THE TECHCON PROJECT (440 & 480 COCHRANE CIRCLE)

Recommendation:

1. Approve the Parcel Map for the Techcon Project; and
2. Authorize the recordation of the Parcel Map.

8. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH TJKM TRANSPORTATION CONSULTANTS TO ASSIST WITH CITY'S IMPLEMENTATION OF STATE SENATE BILL 743 (TRANSITION FROM LEVEL-OF-SERVICE (LOS) TO VEHICLE-MILES-TRAVELED (VMT) METRIC FOR TRANSPORTATION ANALYSIS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA))

Recommendation:

Approve and authorize the City Manager to execute and administer the professional services agreement with TJKM Transportation Consultants for assistance with the City's implementation of State Senate Bill 743 (SB 743) for a total not-to-exceed amount of \$79,835.

PUBLIC HEARINGS

9. ADOPT NEW AND UPDATED FEES FOR PLANNING AND LAND DEVELOPMENT ENGINEERING, AND APPROVE FUNDING OF TWO ASSISTANT/ASSOCIATE ENGINEER POSITIONS

Recommendation:

1. Open/Close Public Hearing;
2. Adopt resolution establishing the updated Planning and Land Development Engineering Fees as proposed in the 2021 NBS Comprehensive Fee Study of Planning and Land Development Engineering; and
3. Approve funding for two Assistant/Associate Engineer positions.

Estimated Time: 30 Minutes

OTHER BUSINESS

10. APPROVE DOWNTOWN TRAFFIC CALMING AND MONTEREY ROAD LANE REDUCTION AND PLACE-BRANDING PROGRAM

Recommendation:

1. Approve the proposed Traffic Mitigation Plan Implementation Schedule to support the Monterey Road Lane Reduction Program;
2. Approve the re-design of traffic lanes for Monterey Road from Dunne Avenue to Main Avenue to be implemented as approved in the Implementation Schedule;
3. Direct staff to install pedestrian safety bollards at pedestrian crossings on Monterey Road and First, Second, and Fourth Streets;
4. Direct staff to bring forward a review of the Parklet Program and develop a Parklet Fee Financing Assistance Program;
5. Direct staff to explore the creation of a community parklet that incorporates an interactive art installation;
6. Direct staff to bring forward a consulting contract to implement a Property-Based Improvement District (PBID); and
7. Adopt a resolution to amend the Fiscal Year (FY) 2021-22 Budget and appropriate \$210,530 from the General Fund.

Estimated Time: 2.5 Hours

11. REVIEW AND APPROVE CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES FOR 2022

Recommendation:

1. Review, discuss, and approve the City Council appointments to Outside Agencies; and
2. Direct the City Clerk to notify the appropriate agencies of the updated assignments and update the Form 806 as necessary.

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.





CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

APPROVED BY: City Manager

YAC PRESENTATION - ASSET #32

PLANNING AND DECISION MAKING



January

Developmental Asset #32

Planning and Decision Making

Young person knows how to plan ahead
and make choices.



January Complementary Asset #30 Responsibility

Young person believes accepts and takes personal responsibility.

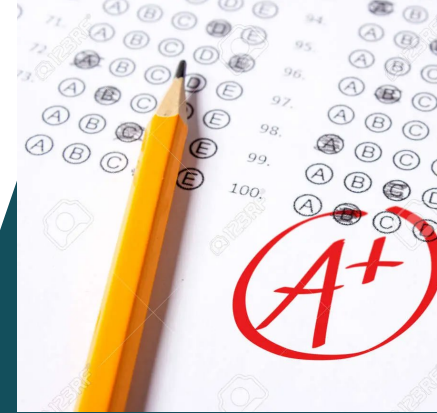
Andrew Nguyen

YAC Co-Media Ambassador



→ Why is planning and decision making important for school?

- ◆ Finish schoolwork on time
- ◆ Be prepared for tests
- ◆ Have spare time for extracurriculars



Jenny Zuercher

YAC Co-Media Ambassador



→ How do I prioritize my time to be able to complement my values ?

- ◆ Using a calendar
- ◆ Prioritizing my interests
- ◆ Focus on a few passions



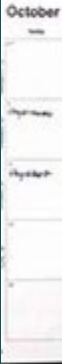
Logan Guire

YAC Active Member



→ Why is planning crucial for my success?

- ◆ Confidence
- ◆ Makes you organized and provides options
- ◆ Allows flexibility



Question to Council

What's the best decision you've ever made?





CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Michelle Bigelow, Deputy City Clerk

APPROVED BY: City Manager

PUBLIC COMMENT SUPPLEMENT 1



*All Council:
PUBLIC COMMENT
NEXT MEETING.
Is VTA really
"Worst in the
NATION" among
transit agencies?
Yes says MIT
Study.
Joe Thompson*

Featured Opinion Letters

Letter: Inaction on transportation problems is deadly

By: JOSEPH THOMPSON 📅 December 27, 2021

🗨️ 0 👁️ 2

Whenever I read about another fatal crossover collision I remember giving the eulogy for Morgan Hill's Janet Graham at her church. The San Benito County Health Nurse was killed in one of these on Hwy. 25 before COG "leaders" decided to install center dividers.

I remember Gilroy Mayor, VTA-Chair Don Gage telling me that after a carload of teenagers was killed in one of these type of crashes in Gilroy on US 101 before center dividers that while VTA did not have enough money to install center dividers, they did put more than \$40 million into their pensions from that year's appropriations.

Like its big insolvent "mobility partner" to the north, COG also lacked sufficient funds to install center dividers on heavily traveled highways like Highway 25. Some local editors actually published some of my letters about this phenomenon. While I was axed by SBCBOS & COG's then-Chair for "harassing" my fellow Task Force members, it didn't give me much pleasure to be offed.

After all, I was called a "safety Nazi" at a Transportation Law Institute of the TLA in Washington, D.C., by the then-general counsel of the ATA.

I recited John Donne's poem that includes, "never send to know for whom the bell tolls – it tolls for thee" at Janet's funeral.

Before Hon. Brad Pike got up his famous Safe on 25 Committee, Janet had sent me to COG to ask them to make Hwy 25 a "safety corridor." I was on the SBC Safe Kids Coalition with her at the time. I did. I asked. I begged, but the then COG Directors only stared – "like deer in the headlights." They took no action. And, ironically, later Janet was killed.

Kick myself for not being a better advocate. Maybe she'd still be alive if I had been at deaf-blind-& dumb COG.

But in making priorities, government often (not just around these parts) waits for the body count to reach the tipping point. After all, we've got to keep those empty bus seats moving. Got to have those empty buses rolling on our streets. Shafting taxpayers with bankrupt boondoggles like County Transit is a worthy goal as long as those empty bus seats get around town. Screw the taxpayers.

San Benito County is not alone in this. But, I always hoped that SBC could be smarter than their sister counties. Guess I've been wrong about that. All these years.

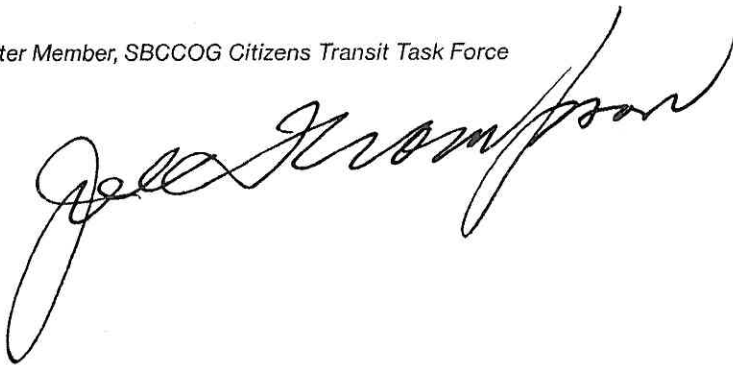
But ask yourselves: What if we made traffic safety our #1 top priority? What if we said that bus riders can call Uber? I hear that people illegally crossing the border do it. So, how much money could we spend on a more worthy priority (e.g., highway safety) if we tanked public sector bankrupt-from-conception transit?

Well, I guess the tipping point has not been reached yet. Right? Until then, our #1 top priority is Emperor Transit First. Caveat Viator. (L. "Let the traveler beware.")

PS: You know what I want to see as your New Year's resolution?

Joseph Thompson

Charter Member, SBCCOG Citizens Transit Task Force

A handwritten signature in black ink, appearing to read "Joe Thompson", written in a cursive style.

MR. ASSEMBLYMAN:



METROPOLITAN
TRANSPORTATION
COMMISSION

MOST RECENT DATA?
NEED UPDATE.

Statistical Summary of Bay Area Transit Operators

Fiscal Years 2010-11 through 2014-15

July 2016

Prepared by
Metropolitan Transportation Commission
Programming & Allocations Section

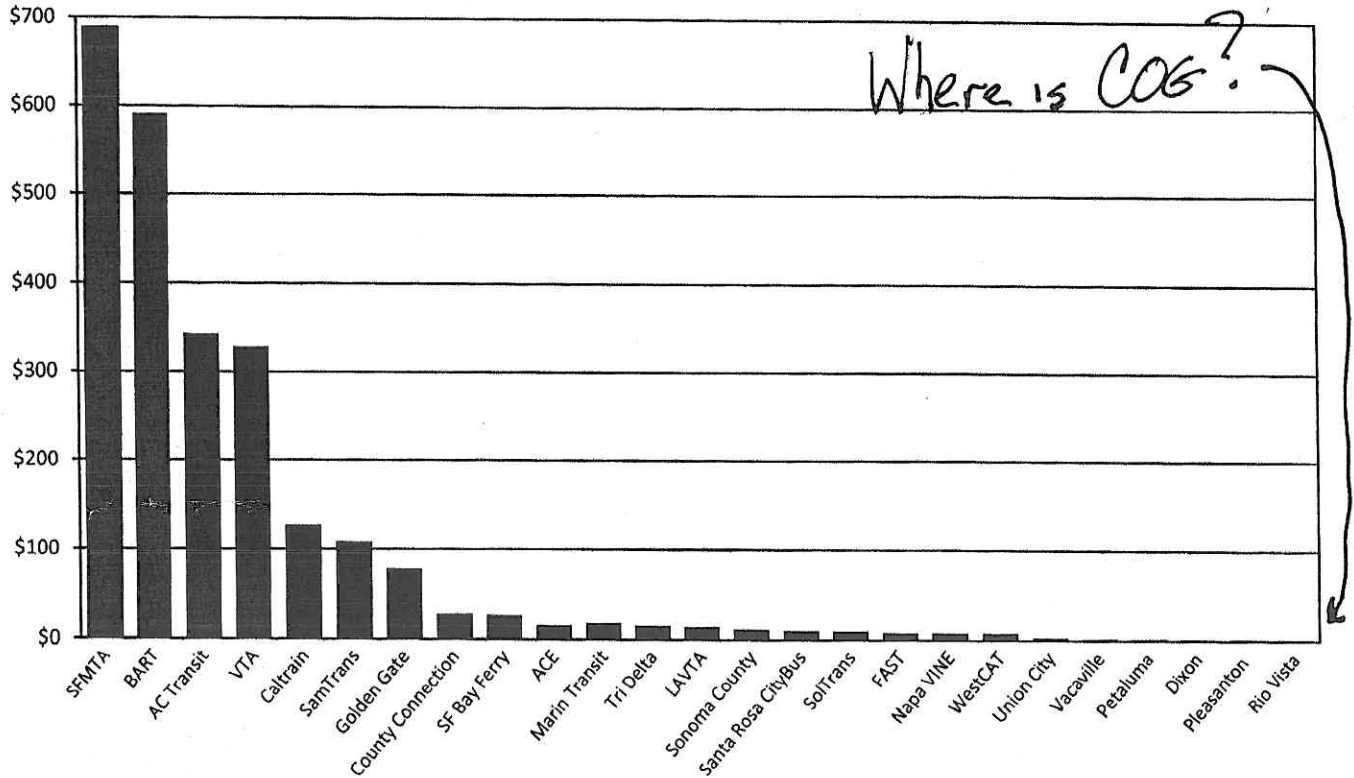
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105

Tel 415.778.6700
Email info@mtc.ca.gov
Web www.mtc.ca.gov

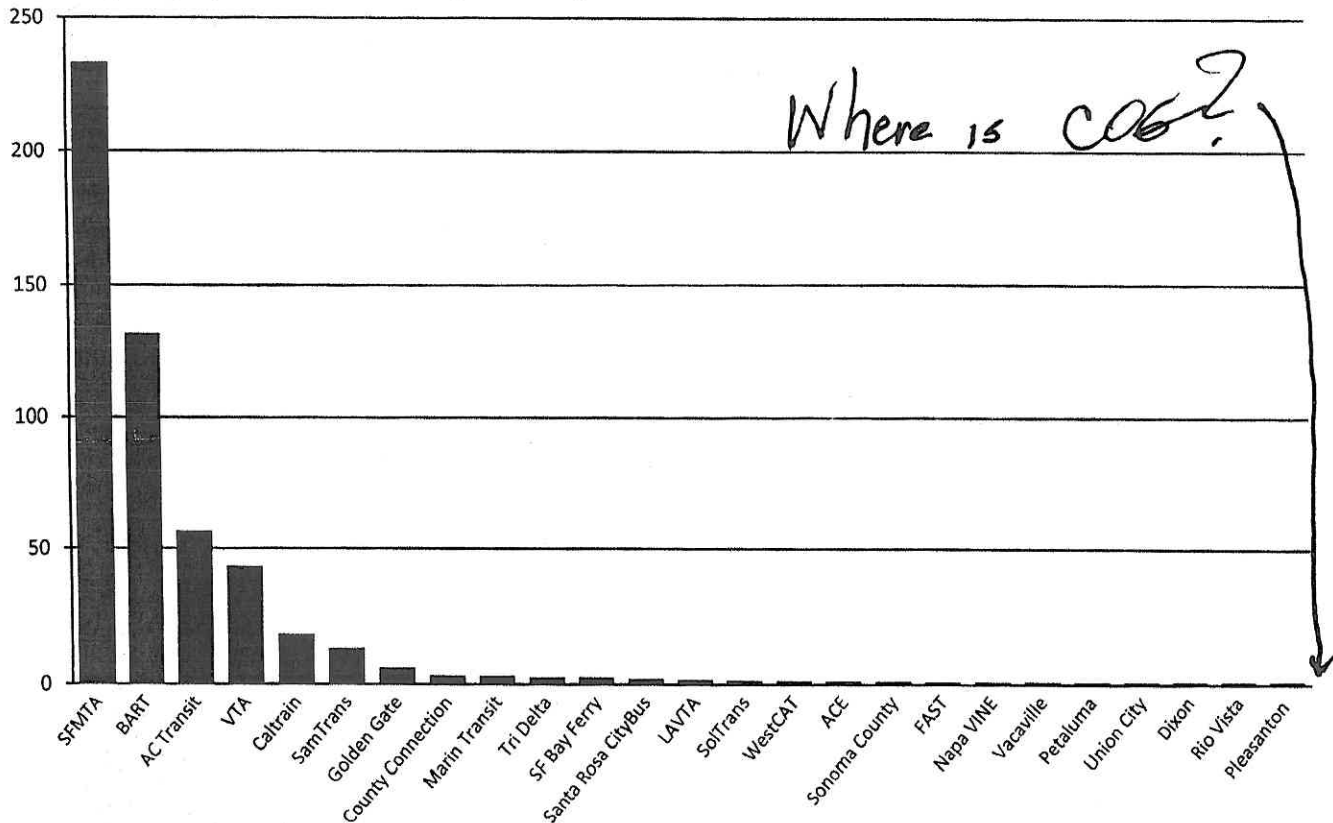
WHAT ABOUT 2016 → PRESENT? WHAT IF TOTAL COSTS WERE INCLUDED? WHERE IS TRUTH-IN-TRANSPORTATION?

Bay Area System - Performance by Operator*

Total Operating Cost by Operator, FY 2014-15 [In Millions]



Total Passengers by Operator, FY 2014-15 [In Millions]



*Data used for the comparative charts include all modes with the exception of paratransit for all operators listed in this summary. Pleasanton is not included in these charts.

Bay Area System - Performance by Operator*

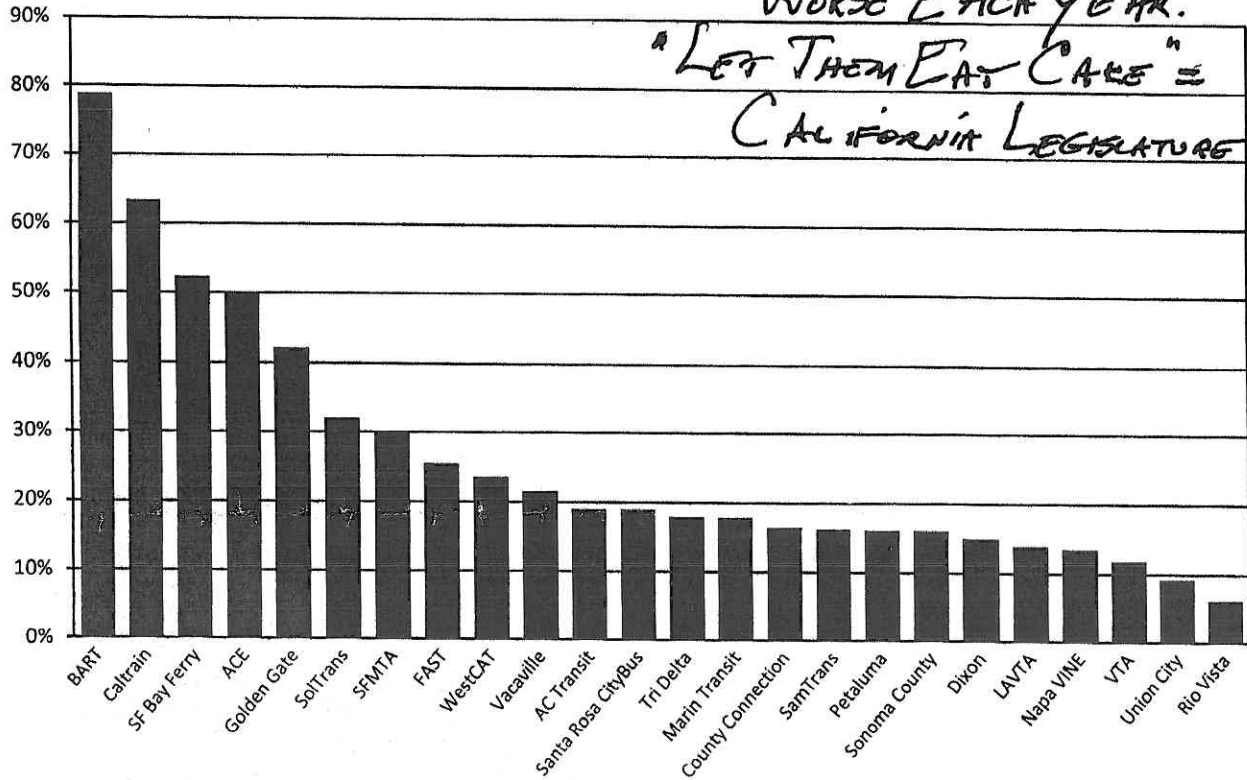
SHAFTING TAXPAYERS + MOTORISTS —

Farebox Recovery Ratio, FY 2014-15 [Fare Revenues/Cost]

WORSE EACH YEAR.

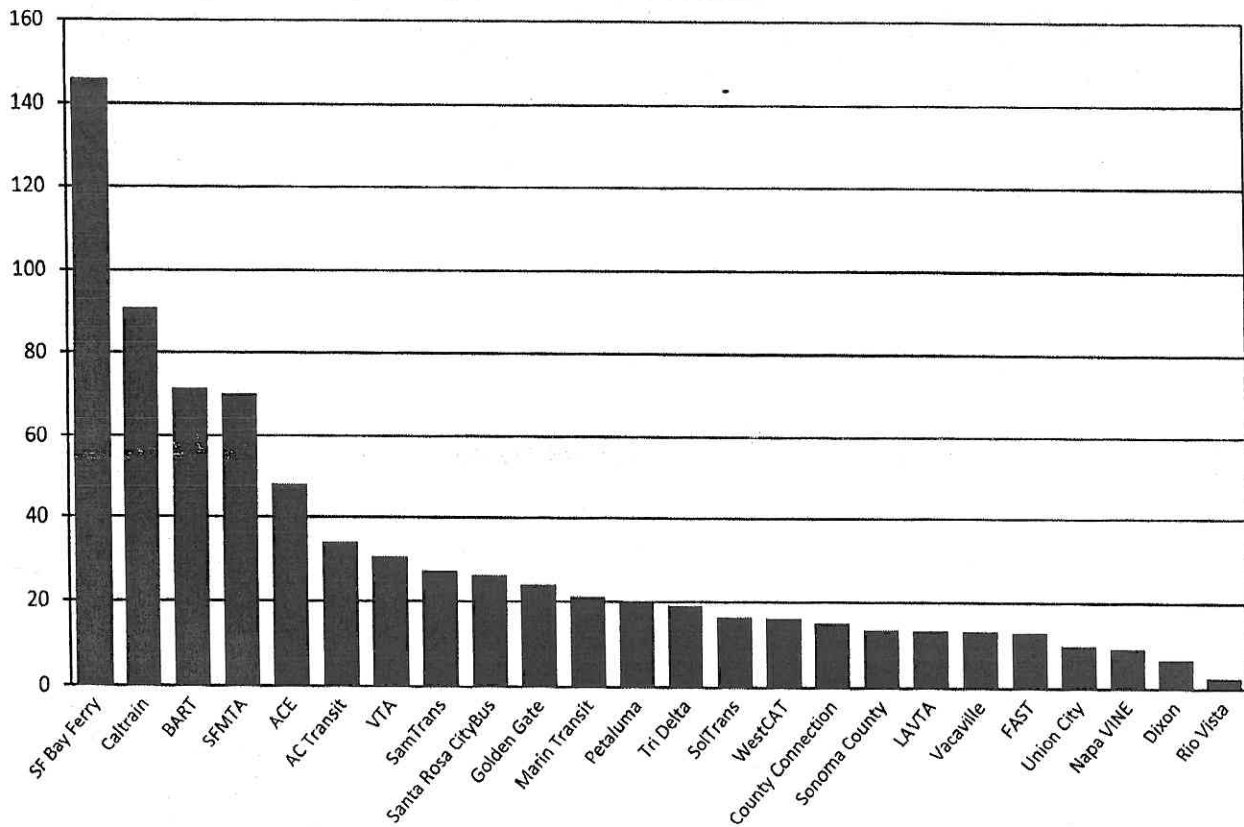
"LET THEM EAT CAKE" =

CALIFORNIA LEGISLATURE



COG?

Service Effectiveness, FY 2014-15 [Passenger/Revenue Vehicle Hour]



COG?

*Data used for the comparative charts include all modes with the exception of paratransit for all operators listed in this summary. Pleasanton is not included in these charts.

JOSEPH P. THOMPSON

Attorney at Law

Telephone [REDACTED]

E-mail [REDACTED]

SHORT VERSION:

Joe Thompson is a graduate of the Santa Clara University School of Law. He is admitted to practice before the U.S. Supreme Court, the U.S. Court of Appeals for the Ninth Circuit, all U.S. District Courts in California, and before the California Supreme Court. He is past-president (twice) of the Gilroy--Morgan Hill Bar Assn.

LONG VERSION:

Joe Thompson is a member of the Transportation Lawyers Assn., and serves on TLA's legislation (past Chair), intermodal, arbitration, and freight claims committees. He is a member of Transportation & Logistics Council, Inc. He has served on the Executive Committee of the Santa Clara County Bar Assn.'s Debtor-Creditor-Commercial Law Section. He was a member of the Association for Transportation Law, Logistics & Policy, and a candidate for the American Society for Transportation and Logistics. He served on the Government Review Councils of the San Benito County and Gilroy Chambers of Commerce, and was a member of the Gavilan Employers Advisory Council. He was appointed to the San Benito County Citizens Rail Advisory Committee, San Benito County Citizens Transit Task Force, and served on the Steering Committee of the Safe Kids Coalition. He was a member of Citizens for Reliable and Safe Highways, and the Conference of Freight Counsel. He received the National Directors Award for the best transportation research paper in the U.S. in 1997 from the AST&L. During Governor Pete Wilson's administration, he participated three years in the Regulatory Reform Roundtable. He is a 1966 graduate of the Motor Carrier Fleet Safety Supervisor School at U.C.-Berkeley, and was employed as dispatcher and supervisor by Pacific Motor Trucking (1964-1970), and as clerk by Union Pacific Railroad (1970-1980). His articles have been published by Transportation Law Journal, Western Growers Association Magazine, and Transportation Lawyer Magazine and Salinas Californian.

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Yat Cho, Senior Project Manager

APPROVED BY: City Manager

ACCEPT 2021 PAVEMENT REHABILITATION PROJECT

RECOMMENDATION(S)

1. Accept as complete the 2021 Pavement Rehabilitation Project;
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.

Estimated Time: Not applicable.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Maintaining Infrastructure

Supporting our Youth, Seniors, and Entire Community

2020-2021 Strategic Priorities

Transportation

Guiding Documents

Bikeways, Trails, and Recreation Master Plan

REPORT NARRATIVE:

On June 2, 2021, the 2021 Pavement Rehabilitation Project was awarded to A. Teichert & Son, Inc. DBA Teichert Construction in the amount of \$2,131,400 with an authorized contingency of \$532,850. The project included pavement rehabilitation at the following locations:

- Wright Avenue - Monterey Road to Peak Avenue
- Peak Avenue - Wright Avenue to Dunne Avenue
- Farallon Drive - Peak Avenue to Alkire Drive
- Torrey Court - Farallon Drive to end of Torrey Court
- Alkire Drive - Dewitt Avenue to Peak Avenue

- Dewitt Avenue - Alkire Drive to West Main Avenue
- West Main Avenue - Dewitt Avenue to Peak Avenue
- Tennant Avenue from Vineyard Avenue to Monterey Road
- El Toro Fire Station and Dunne/Hill Fire Station Pavement Repair

The project's scope of work included the following: pavement milling, cold-in-place recycling (CIR) pavement rehabilitation, hot mix asphalt concrete overlay, full-depth asphalt concrete repairs, crack sealing, replacement of all existing traffic delineation and markings affected, utility adjustments, traffic signal loop detector installation, etc. During construction, additional pavement rehabilitation work was added to the project at three locations:

- Park Way
- Central Avenue between Del Monte Avenue and Monterey Road
- DeWitt Avenue between West Main Avenue to Claremont Drive

The project began on July 19, 2021, and was substantially completed in October 2021. Six change orders were authorized in the amount of \$424,942 due to unforeseen conditions and additional work (Attachment 2). The final construction contract with Teichert Construction is \$2,556,342. Staff recommends accepting this project as it is complete in accordance with the plans and specifications and directing the City Clerk to file the Notice of Completion (Attachment 3).

COMMUNITY ENGAGEMENT:

Inform.

Before and during construction, City staff coordinated construction activity and roadway closures through citywide emails, social media posts, and the City's website. Regular updates were made to inform the community of traffic impacts due to the construction. The contractor also provided written notification to residents and/or businesses directly affected by construction activity before the commencement of the work.

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 California Public Contract Code Section 7107.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- On April 3, 2019, City Council approved a funding agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Local Streets and Roads Program.
- On June 17, 2020, the City Council adopted the FY 2020-21 through 2025-26 Capital Improvement Program.
- On April 7, 2021, City Council received an update on pavement rehabilitation planning.
- On May 5, 2021, City Council adopted a Resolution approving FY2021-22 List of Street Rehabilitation Projects funded by Senate Bill (SB) 1.
- On June 2, 2021, City Council awarded the 2021 Pavement Rehabilitation Project to A. Teichert & Son, Inc. DBA Teichert Construction.

FISCAL AND RESOURCE IMPACT:

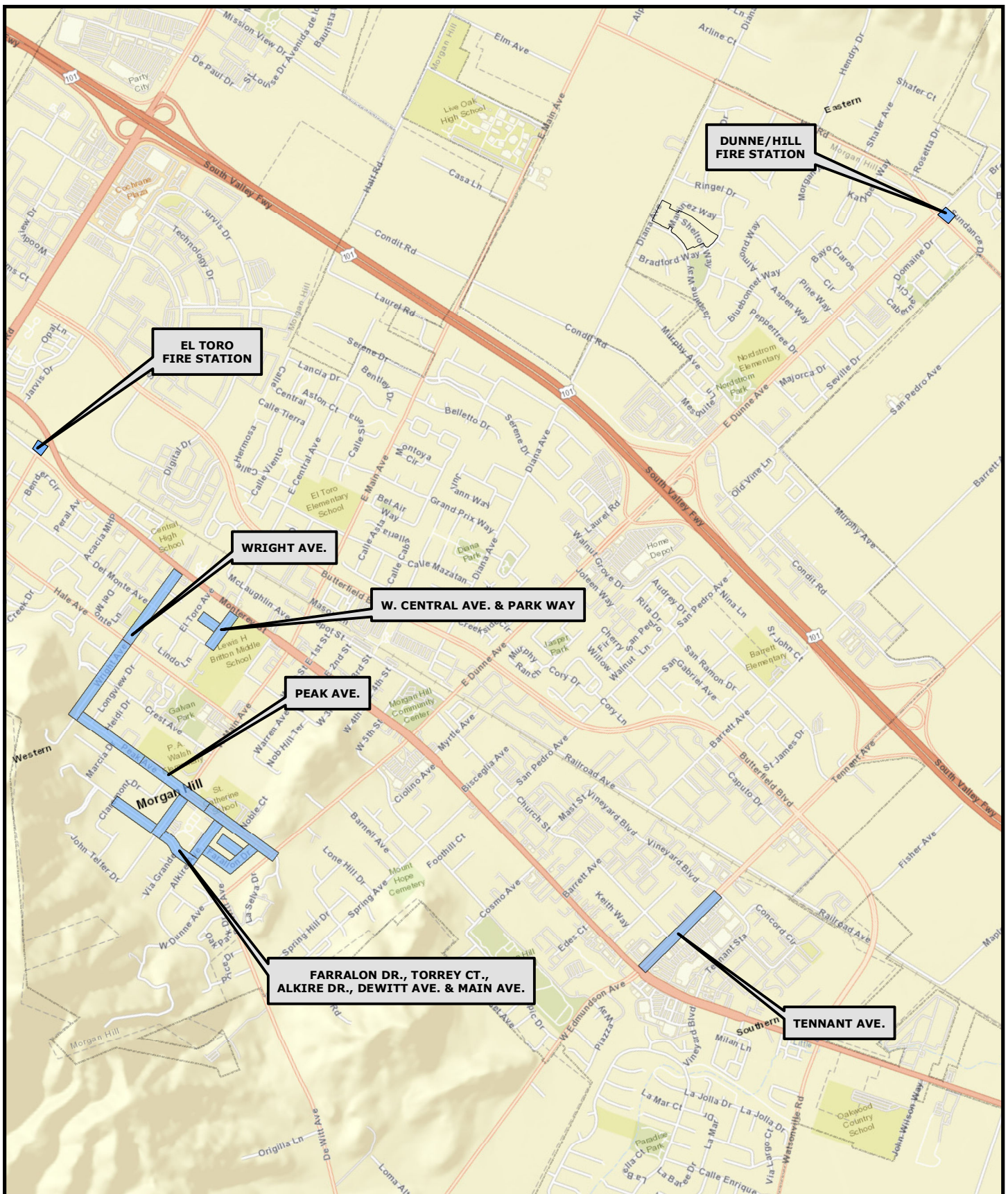
The final contract amount for the 2021 Pavement Rehabilitation Project is \$2,556,342. The project was awarded to A. Teichert & Son, Inc. DBA Teichert Construction in the amount of \$2,131,400 with an authorized contingency of \$532,850 (Total of \$2,664,250). The project is funded in the adopted Capital Improvement Program budget, under Project #519000 – Pavement Rehabilitation, funded by the Street CIP Fund (308).

Six change orders were authorized in the amount of \$424,942. The balance of \$107,908 will be returned to the Street CIP Fund (308).

CEQA (California Environmental Quality Act):

Categorical Exemption.

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



CITY OF MORGAN HILL
Engineering and Utilities Department
CIP Engineering Division

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2021 PAVEMENT REHABILITATION PROJECT



0 750 1,500 3,000 4,500 6,000
 Feet

CIP Contract Acceptance Funding Closeout Statement

Project:	2021 Pavement Rehabilitation Project		
Project No:	519000		
Date of Project Award:	2-Jun-21	Project Award Amount:	\$2,131,400
Funding Source:	F308	Contingency Authorized:	\$532,850
Date of Project Acceptance:	19-Jan-22	Total Authorized:	\$2,664,250
		Actual Base Contract Spent:	\$2,131,400

Change Orders				
	Description	Date	Council Approval Req'd? (Y/N)	
C.O. #1:	Additional Pavement Work	25-Aug-21	N	\$165,025.00
C.O. #2:	Adds and Deducts for Change in Scope	1-Sep-21	N	\$115,725.02
C.O. #3:	Additional Pavement Work	15-Sep-21	N	\$41,050.00
C.O. #4:	Misc. Adds and Deducts to Contract Bid Schedule	15-Sep-21	N	\$61,888.70
C.O. #5:	Misc. Adds and Deducts to Contract Bid Schedule and additional cost for frames/grates	8-Nov-21	N	\$38,326.47
C.O. #6:	Additional CIR Quantities	16-Nov-21	N	\$2,926.80
Total C.O.:				\$424,941.99

Additional Appropriations		
Source	Amount	Date
None		

		Total Construction Amount (Base Contract plus CO's):	\$2,556,341.99
Construction Fund Balance:	\$107,908.01		

Recording Requested By:

When Recorded Mail To:

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:
XX Fee ownership ___ Lessee ___ Other:
5. Construction work on the Project performed on Owner's behalf is generally described as follows: Pavement Rehabilitation within City of Morgan Hill
6. The name of the original Contractor for the Project is: Teichert Construction
7. The Project was completed on: October 29, 2021
8. The Project is located at:
 - Wright Avenue - Monterey Road to Peak Avenue
 - Peak Avenue - Wright Avenue to Dunne Avenue
 - Farallon Drive - Peak Avenue to Alkire Drive
 - Torrey Court - Farallon Drive to end of Torrey Court
 - Alkire Drive - Dewitt Avenue to Peak Avenue
 - Dewitt Avenue - Alkire Drive to West Main Avenue
 - West Main Avenue - Dewitt Avenue to Peak Avenue
 - Tennant Avenue from Vineyard Avenue to Monterey Road
 - El Toro Fire Station and Dunne/Hill Fire Station Pavement Repair
 - Park Way
 - Central Avenue between Del Monte Avenue and Monterey Road
 - DeWitt Avenue between West Main Avenue to Claremont Drive

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

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Chris Ghione, Public Services Director

APPROVED BY: City Manager

ACCEPT \$50,000 DONATION FROM THE FRIENDS OF THE MORGAN HILL SENIOR CENTER

RECOMMENDATION(S)

1. Accept \$50,000 donation from the Friends of the Morgan Hill Senior Center to support services at the Centennial Recreation Senior Center; and
2. Authorize the City Manager to execute any agreements necessary for donation acceptance.

Estimated Time: N/A

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Supporting our Youth, Seniors, and Entire Community

2020-2021 Strategic Priorities

Fiscal Sustainability

Transportation

Guiding Documents

Bikeways, Trails, and Recreation Master Plan

REPORT NARRATIVE:

For several years, the Friends of the Morgan Hill Senior Center has supported operations at the Centennial Recreation Senior Center (Center) through annual financial donations to the City. Those donations are used to offset costs for the Center. The donation typically includes support for staffing and program costs at the Center and allows a higher level of service than what would be provided by City funds alone. Additionally, past donations have supported specific programs.

At the start of the COVID Pandemic, the Recreation Division faced extreme difficulty in reopening facilities as well as declines in revenues. These changes forced the Division into restructuring operations with reduced staffing levels and increased responsibility.

For Fiscal Year (FY) 2021-22, the Friends of the Morgan Hill Senior Center presented

to City staff the idea of providing increased funds for the FY to allow quicker reopening and reinstatement of older adult programming at the Senior Center. The current donation will help to support regular operations and additionally it will support restaffing the welcome desk and reopening at the Center, which began in October.

The Friends of the Morgan Hill Senior Center was established in 2011 with the primary purpose of raising funds to support Senior Center operations. "Friends", a group of more than 40 community volunteers, host the ongoing Tuesday night Bingo at the Community and Cultural Center as its primary fundraising activity. While Bingo is currently not occurring, the Friends are working towards restarting the program in early 2022. When the City took on the management of the Senior Center in 2015, the Friends estimated that funding of \$20,000 per year would be available to support the City's operation of the Center and have funded at that level or higher every year except FY 2020-21. Financial sustainability continues to be a focus area for the Senior Center in partnership with the Friends.

COMMUNITY ENGAGEMENT:

None.

The Friends reached out directly to City staff to coordinate this donation. The City continues to recognize the Friends' contributions at the Senior Center and publicly when receiving donations.

ALTERNATIVE ACTIONS:

The City Council could choose not to accept the donation.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council has accepted donations annually from the Friends with the exception of during FY 2020-21.

FISCAL AND RESOURCE IMPACT:

The \$50,000 will be accepted into the General Fund and go to directly offset costs associated with operating the Senior Center. The current fiscal year budgeted donation for the Morgan Hill Senior Center is \$32,000.

CEQA (California Environmental Quality Act):

Not a Project.

Since the resulting activity is an administrative program that will not result in a change to the physical environment, this action is not a project under the California Environmental Quality Act.

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Jennifer Carman, Development Services Director

APPROVED BY: City Manager

ADOPT RESOLUTION IN SUPPORT OF STATE OF CALIFORNIA INITIATIVE CONSTITUTIONAL AMENDMENT, NO. 21-0016 "PROVIDES THAT LOCAL LAND-USE AND ZONING LAWS OVERRIDE CONFLICTING STATE LAWS"

RECOMMENDATION(S)

Adopt resolution supporting the proposed statewide ballot initiative regarding local land use control.

Estimated Time:

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Protecting the Environment and Preserving Open Space and Agricultural Land
Preserving and Cultivating Public Trust

2020-2021 Strategic Priorities

Community Engagement and Messaging

Guiding Documents

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

This item has been added to consider adopting a resolution supporting a ballot initiative seeking to protect local control of local land-use decisions. The proponents' website calls the measure the "Our Neighborhood Voice initiative." The initiative proponents are currently gathering signatures. The Secretary of State's Office states that the measure will require 997,139 valid signatures by the end of April 2022 to qualify. If the measure qualifies, it would be on the November 8, 2022 ballot. The initiative language is attached to this staff report.

The City Council may wish to take a position on the measure now, take a position following preparation of the Attorney General's title and summary, or at such time that the measure qualifies for the ballot.

The measure would amend the California Constitution to provide that city and county general plans, specific plans, zoning laws, and ordinances concerning the development and use of land would prevail over any conflicting state general laws.

There are exceptions where such local laws or regulations conflict with the California Coastal Act, concerning the siting of an energy facility that would generate more than 50 megawatts where the California Public Utilities Commission (CPUC) has determined that a need exists, and water/transportation infrastructure projects deemed in the best interest of the state by the Legislature by statute.

The measure is likely to allow local governments to adopt laws in conflict with state laws governing the process of approval of various types of projects, including laws related to the ministerial processing of accessory dwelling units and development of multiple units on lots zoned for single-family uses pursuant to SB-9. The City Council has been clear that retaining local control in decision-making is important to the City.

It is unclear how the proposed constitutional amendment would impact state planning and zoning law related to requirements imposed on cities to adopt a general plan, including requirements to adopt a compliant housing element. Last fall, the Cal Cities established a working group that completed a review of Initiative 21- 0016. The recommendation of that working group to the Cal Cities Board of Directors was to take no position and to direct Cal Cities staff to further study the proposal. Identified in Cal Cities' initial analysis is one area of concern relative to the language in the initiative's preamble (Section 1): While the preamble references "CEQA, FEHA, prohibition against discrimination, and to affirmatively further fair housing" as noted below, the intent of this language is not included in the Constitutional text in Section 2 through 4 of the initiative.

"The people of the State of California find and declare:

The purpose of this measure is to ensure that all decisions regarding local land use controls, including zoning law and regulations, are made in accordance with applicable law, including but not limited to, CEQA, FEHA, prohibition against discrimination, affirmatively further fair housing. This Constitutional Amendment would continue providing state control in coastal zone; siting of power plants; development of water, communication, or transportation infrastructure (but not transit-oriented development)."

Cal Cities recommended that as the expressed intent of the voters is not clearly stated in the Constitutional amendment text (Section 2 through 4), further study and assessment is needed to address outstanding questions as to how the initiative impacts CEQA, FEHA, prohibition on discrimination, and the requirement to affirmatively further fair housing. In evaluating whether to take a position, the Council may want to fully understand the consequences of passage of this initiative from multiple perspectives.

One potential issue to consider should this initiative be successful is what recourse would our city have if a neighboring city or region determines it doesn't want to comply with state law and passes a superseding local ordinance which then has a negative

impact on Morgan Hill.

COMMUNITY ENGAGEMENT:

This report serves to inform the Community of the resolution being considered.

ALTERNATIVE ACTIONS:

City Council could choose to wait to support the proposed State of California Initiative until more analysis has been completed and continue to advocate for local control.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Not applicable

FISCAL AND RESOURCE IMPACT:

Not applicable

CEQA (California Environmental Quality Act):

Not a Project

This is not a project under CEQA because it is consideration of support for a proposal for a vote of the people of the State.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

PROVIDES THAT LOCAL LAND-USE AND ZONING LAWS OVERRIDE

CONFLICTING STATE LAWS. INITIATIVE CONSTITUTIONAL AMENDMENT.

Provides that city and county land-use and zoning laws (including local housing laws) override all conflicting state laws, except in certain circumstances related to three areas of statewide concern: (1) the California Coastal Act of 1976; (2) siting of power plants; or (3) development of water, communication, or transportation infrastructure projects. Prevents state legislature and local legislative bodies from passing laws invalidating voter-approved local land-use or zoning initiatives. Prohibits state from changing, granting, or denying funding to local governments based on their implementation of this measure. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: **Fiscal effects of the measure depend on future decisions by the cities and counties and therefore are unknown.**

(21-0016A1.)

SECTION 1. The people of the State of California find and declare all of the following:

- (a) The circumstances and environmental impacts of local land use decisions vary greatly across the state from locality to locality.
- (b) The infrastructure required to maintain appropriate levels of public services, including police and fire services, parklands and public open spaces, transportation, water supply, schools, and sewers varies greatly across the state from locality to locality.
- (c) Land use decisions made by local officials must balance development with public facilities and services while addressing the economic, environmental, and social needs of the particular communities served by those local officials.
- (d) Thus, it is in the best interests of the state and local communities for these complex decisions to be made at the local level to ensure that the specific, unique characteristics, constraints, and needs of those communities are properly analyzed and addressed.
- (e) Gentrification of housing adjacent to public transportation will reduce or eliminate the availability of low or very low income housing near public transit, resulting in the loss of access by low or very low income persons to public transit, declines in public transit ridership, and increases in vehicle miles travelled.
- (f) The State Legislature cannot properly assess the impacts upon each community of sweeping centralized and rigid state land use rules and zoning regulations that apply across the state without regard to community impacts and, as a result, statewide land use and zoning will do great harm to local communities with differing circumstances and concerns.
- (g) Community development should not be controlled by state planners, but by local governments that know and can address the needs of, and the impacts upon, local communities. Local initiatives approved by voters pertaining to land use and zoning restrictions should not be nullified or superseded by the actions of any local or state legislative body.
- (h) Numerous state laws that target communities for elimination of zoning standards have been enacted, and continue to be proposed, that eliminate or erode local control over local development and circumvent the California Environmental Quality Act (“CEQA”), creating the potential for harmful environmental impacts to occur.
- (i) The purpose of this measure is to ensure that all decisions regarding local land use controls, including zoning law and regulations, are made by the affected communities in accordance with applicable law, including but not limited to CEQA (Public Resources Code § 21000 et seq.), the California Fair Employment and Housing Act (Government Code §§ 12900 – 12996), prohibitions against discrimination (Government Code § 65008), and affirmatively furthering fair housing (Government Code § 8899.50). This constitutional amendment would continue to provide for state control in the coastal zone, the siting of a power plant that can generate more than 50 megawatts of electricity, or the development or construction of water, communication or transportation infrastructure projects which the Legislature declares are matters of statewide concern and are in the best interests of the state. For purposes of this measure, it is the intent that a transportation infrastructure project shall not include a transit-oriented development project that is residential, commercial, or mixed-use.

SECTION 2. Section 4.5 is added to Article XI of the California Constitution, to read:

SEC. 4.5. (a) Except as provided in subdivision (b), in the event of a conflict with a state statute, a county charter provision, general plan, specific plan, ordinance or a regulation adopted pursuant to a county charter, that regulates the zoning, development or use of land within the boundaries of an unincorporated area of the county shall be deemed a county affair within the meaning of Section 4 and shall prevail over a conflicting state statute. No voter approved local initiative that regulates the zoning, development or use of land within the boundaries of any county shall be overturned or otherwise nullified by any legislative body.

(b) A county charter provision, general plan, specific plan, ordinance or a regulation adopted and applicable to an unincorporated area within a county, may be determined only by a court of competent jurisdiction, in accordance with Section 4, to address either a matter of statewide concern or a county affair if that provision, ordinance, or regulation conflicts with a state statute with regard to only the following:

(1) The California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), or a successor statute.

(2) The siting of a power generating facility capable of generating more than 50 megawatts of electricity and the California Public Utilities Commission has determined that a need exists at that location that is a matter of statewide concern.

(3) The development or construction of a water, communication or transportation infrastructure project for which the Legislature has declared in statute the reasons why the project addresses a matter of statewide concern and is in the best interests of the state. For purposes of this paragraph, a transportation infrastructure project does not include a transit-oriented development project, whether residential, commercial, or mixed-use.

(c) No modification to appropriations for state funded programs shall occur, and no state grant applications or funding shall be denied as a result of the application of this section. No benefit or preference in state appropriations or grants shall be given to an entity that opts not to utilize the provisions of this section.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 3. Section 5.5 is added to Article XI of the California Constitution, to read:

SEC. 5.5. (a) Except as provided in subdivision (b), in the event of a conflict with a state statute, a city charter provision, general plan, specific plan, ordinance or a regulation adopted pursuant to a city charter, that establishes land use policies or regulates zoning or development standards within the boundaries of the city shall be deemed a municipal affair within the meaning of Section 5 and shall prevail over a conflicting state statute. No voter approved local initiative that regulates the zoning, development or use of land within the boundaries of any city shall be overturned or otherwise nullified by any legislative body.

(b) A city charter provision, general plan, specific plan, ordinance or a regulation adopted pursuant to a city charter, may be determined only by a court of competent jurisdiction, in accordance with Section 5, to address either a matter of statewide concern or a municipal affair

if that provision, ordinance, or regulation conflicts with a state statute with regard to only the following:

- (1) The California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), or a successor statute.
 - (2) The siting of a power generating facility capable of generating more than 50 megawatts of electricity and the California Public Utilities Commission has determined that a need exists at that location that is a matter of statewide concern.
 - (3) The development or construction of a water, communication or transportation infrastructure project for which the Legislature has declared in statute the reasons why the project addresses a matter of statewide concern and is in the best interests of the state. For purposes of this paragraph, a transportation infrastructure project does not include a transit-oriented development project, whether residential, commercial, or mixed-use.
- (c) No modification to appropriations for state funded programs shall occur, and no state grant applications or funding shall be denied as a result of the application of this section. No benefit or preference in state appropriations or grants shall be given to an entity that opts not to utilize the provisions of this section.
- (d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 4. Section 7 of Article XI of the California Constitution is amended to read:

SEC. 7. (a) A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not that are not, except as provided in subdivision (b), in conflict with general laws. A county or city may not supersede or otherwise interfere with any voter approved local initiative pertaining to land use or zoning restrictions.

(b) A county or city general plan, specific plan, ordinance or regulation that regulates the zoning, development or use of land within the boundaries of the county or city shall prevail over conflicting general laws, except for only the following:

(A) A coastal land use plan, ordinance or regulation that conflicts with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), or a successor statute.

(B) An ordinance or regulation that addresses the siting of a power generating facility capable of generating more than 50 megawatts of electricity and the California Public Utilities Commission has determined that a need exists at that location that is a matter of statewide concern.

(C) An ordinance or regulation that addresses the development or construction of a water, communication or transportation infrastructure project for which the Legislature has declared in statute the reasons why the project addresses a matter of statewide concern and is in the best interests of the state. For purposes of this subparagraph, a transportation infrastructure project does not include a transit-oriented development project, whether residential, commercial, or mixed-use.

(c) No modification to appropriations for state funded programs shall occur, and no state grant applications or funding shall be denied as a result of the application of this section. No benefit or preference in state appropriations or grants shall be given to an entity that opts not to utilize the provisions of this section.

(d) The provisions of this subdivision are severable. If any provision of this subdivision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE
MORGAN HILL EXPRESSING SUPPORT FOR THE
INITIATIVE CONSTITUTIONAL AMENDMENT NO. 21-0016
TO AMEND ARTICLE XI OF THE CONSTITUTION OF THE
STATE OF CALIFORNIA TO MAKE LOCAL ZONING AND
LAND USE LAWS OVERRIDE CONFLICTING STATE
LAWS**

WHEREAS, the Legislature of the State of California in recent years has proposed, passed, and signed into law a number of bills addressing a range of land use planning and housing issues; and

WHEREAS, the majority of these bills usurp the authority of local jurisdictions to determine for themselves the land use policies and practices that best suit each city and its residents and instead impose “one-size-fits-all” mandates that do not take into account the unique needs and differences of local jurisdictions throughout the State of California; and

WHEREAS, the majority of these bills do not provide any incentives or requirements for low-income affordable or moderate income workforce housing, but instead impose new policies that will incentivize speculation and result in the addition of market-rate or luxury housing, thereby eliminating the opportunity for local jurisdictions to implement effective policies that will create more affordable housing and affirmatively further fair housing practices; and

WHEREAS, the ability of local jurisdictions to determine for themselves which projects require review beyond ministerial approval; what parking requirements are appropriate for various neighborhoods; what housing plans and programs are suitable and practical for each community; and what zoning should be allowed for residential properties, rather than having these decisions imposed upon cities without regard for the unique circumstances and needs of each individual community, is a matter of critical importance to the City of Morgan Hill and many other municipalities focused on local zoning and housing issues; and

WHEREAS, the City Council of the City of Morgan Hill hereby determines that local government entities are best able to assess and respond to the unique needs of their respective communities and hereby objects to the proliferation of State legislation that would deprive us of that ability.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL
DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:**

SECTION 1. That the City Council of the Morgan Hill is opposed to the legislature of the State of California continually proposing and adopting legislation that overrides the zoning and land use authority of local governments.

SECTION 2. That the City Council of the City of Morgan Hill supports proposed Initiative Constitutional Amendment No. 21-0016 to ensure that zoning and land use authority rests with the local government entities that represent the communities in which the residents reside, and to allow local government to participate in solving the housing crisis through solutions that effectively address the unique needs and conditions of each local community.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the ____ day of January 2022 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

∞ **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. 22-XXX, adopted by the City Council at a regular meeting held on January ____, 2022.

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

DATE: _____

MICHELLE BIGELOW, City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Kim Mancera, Municipal Services Assistant

APPROVED BY: City Manager

ADOPT RESOLUTION DETERMINING THAT CONDUCTION OF IN-PERSON MEETINGS WOULD PRESENT A PUBLIC HEALTH RISK AND CONTINUING TELECONFERENCE MEETINGS

RECOMMENDATION(S)

Adopt resolution to continue holding City Council and commission meetings by teleconference.

Estimated Time:

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

Preserving and Cultivating Public Trust

REPORT NARRATIVE:

COVID-19 transmission remains widespread throughout California and locally. We remain under both a state and local emergency. Assembly Bill (AB) 361, which became operative on October 1, 2021, allows local agencies to continue meeting by teleconference during a statewide emergency, provided the local agency makes findings that continued teleconferencing is important to protect public health and safety. Staff recommends adopting the proposed resolution declaring the need to continue teleconferenced meetings to protect public health and safety.

Staff recommends adopting the proposed resolution declaring the need to continue teleconferenced meetings to protect public health and safety.

COMMUNITY ENGAGEMENT:

This report serves to inform the Community of the recommendation to continue teleconferenced meetings.

ALTERNATIVE ACTIONS:

The Council could choose not to adopt the proposed resolution and continue its January 19, 2022 meeting to a date certain for an in-person meeting. All meetings going forward

would also be in-person.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Each month since October 6, 2021, the City Council has adopted a resolution determining that conducting in-person meetings would present an imminent risk to attendees' health and electing to continue conducting meetings using teleconferencing.

FISCAL AND RESOURCE IMPACT:

Continued use of teleconferencing software may have a minimal fiscal impact.

CEQA (California Environmental Quality Act):

Not a Project

Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment are not projects that require environmental review.

RESOLUTION NO. 21-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE CITY COUNCIL AND ITS BOARDS AND COMMISSIONS WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953(e) (AB 361)

WHEREAS, on March 4, 2020, Governor Newsom declared a state of emergency related to the COVID-19 global pandemic, a state of emergency that is ongoing; and

WHEREAS, on March 13, 2020, the City Manager in her capacity as Emergency Services Director declared a local emergency due to the spread of COVID-19, and that emergency declaration was ratified on March 18, 2020; and

WHEREAS, the City of Morgan Hill remains in a state of emergency due to the continuing spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated, or are at a higher risk of severe illness due to COVID-19; and

WHEREAS, the City's public meeting facility is indoor and not designed to ensure circulation of fresh/outdoor air, and not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of severe illness due to COVID-19; and

WHEREAS, technology exists that allows full participation from members of the public without requiring in-person attendance at a City Council meeting.

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 Council 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:

1. The conduct of in-person public meetings would pose imminent risks to the health of attendees.
2. Public health and safety and the public right to participate in local government are both critically important. The City of Morgan Hill is committed to balancing both by making City Council and commission meetings accessible through multiple formats and by allowing real-time public comment through teleconferencing solutions.
3. The City Council will renew these findings at least every thirty (30) days in accordance with Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted or until the City Council determines that in-person meetings no longer pose imminent risks to the health of attendees, whichever comes first.

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 January 19, 2022.

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 January 19, 2022.

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

DATE: _____

MICHELLE BIGELOW, City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Chris Ghione, Public Services Director

APPROVED BY: City Manager

ADOPT RESOLUTION AUTHORIZING AN APPLICATION FOR THE CALIFORNIA CLIMATE INVESTMENTS-DEPARTMENT OF FORESTRY AND FIRE PROTECTION'S (CAL FIRE) FIRE PREVENTION GRANT PROGRAM.

RECOMMENDATION(S)

Adopt resolution authorizing an application for the California Climate Investments-Department of Forestry and Fire Protection's (CAL FIRE) Fire Prevention Grant Program.

Estimated Time: N/A

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

2020-2021 Strategic Priorities

Fiscal Sustainability

Guiding Documents

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

The purpose of this staff report is to request the City Council's authorization to submit a grant application to Cal Fire which will assist the City with the development of a long-range wildfire mitigation plan.

CAL FIRE's Fire Prevention Grants Program provides funding for local projects and activities that address the risk of wildfire and reduce wildfire potential to forested and forest-adjacent communities. Funded activities include hazardous fuel reduction, fire prevention planning, and fire prevention education with an emphasis on improving public health and safety while reducing greenhouse gas emissions. More information can be found on the CAL FIRE website at: <https://www.fire.ca.gov/grants/fire-prevention-grants/>.

The Santa Clara County Community Wildfire Protection Plan's annex 11 (CWPP) identifies strategic goals and specific mitigation projects for the City of Morgan Hill. This document serves as a reference framework for the City to address and remedy noted wildfire hazard assessments. City staff has determined that the fire prevention planning aspect of the CAL FIRE grant opportunity will support the development of a long-range planning document that addresses the CWPP recommendations specific to the City of Morgan Hill, prioritizes projects by critical need, provides applicable design concepts, and outlines an implementation timeline. Additionally, the City is working with the non-profit organization, the Santa Clara County Fire Safe Council on a potential fuels reduction and community education project, for which the City may also apply. It is also possible that the Fire Safe Council may take the lead on the grant application for various program elements if it will support a greater likelihood of receiving the grant. Adopting this resolution will allow flexibility for the City to apply directly for these projects or partner with the Fire Safe Council for the grant application.

COMMUNITY ENGAGEMENT:

City staff are using the CWPP as the basis for the development of the grant application. As fire protection is an expected maintenance service, no efforts were made to inform the community about this specific grant opportunity in advance. However, Fire Department staff regularly engage with the community in relation to fire safety and prevention activities.

ALTERNATIVE ACTIONS:

The City Council could choose to not adopt the resolution and not allow the grant application.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

No prior actions related to this specific grant application.

FISCAL AND RESOURCE IMPACT:

The grant does not require matching funding and administrative costs are eligible for reimbursement. However, depending upon the final project developed with the Fire Safe Council, there may be an advantage to providing some matching City funds. Should this need occur, staff will return to the City Council with that request for funding. The resources for developing the grant application are included in the Community Services Department's work program.

CEQA (California Environmental Quality Act):

Not a Project.

The submission of a grant application is an administrative action and does not constitute a project under CEQA. However, should a grant agreement be executed with CAL FIRE, proof of adequate compliance with CEQA is required within one year of that execution.

RESOLUTION NO: XX-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING THE SUBMITTAL OF A CALIFORNIA CLIMATE INVESTMENTS FIRE PREVENTION GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS REQUIRED TO APPLY AND ACCEPT THE GRANT FOR THE CITY, IF AWARDED, AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Morgan Hill, is 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”); and

WHEREAS, the Governor of the State of California in cooperation with the California State Legislature has enacted State of California **Climate Investment**, which provides funds to the State of California and its political subdivisions for **fire prevention programs**; and

WHEREAS, the State Department of Forestry and Fire Protection (CAL FIRE) has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing the application by local agencies, non-profit organizations, and others under the program; and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the project; and

WHEREAS, the City desires to apply for the grant funds through the State of California, Department of Forestry and Fire Protection; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY: APPROVES THE FILING OF AN APPLICATION FOR THE MORGAN HILL WILDFIRE MITIGATION PLAN AND FUEL REDUCTION PROGRAM; AND

Section 1. Recitals. The City Council 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:

1. Certifies the approval of the filing of an application for “**California Climate Investment Fire Prevention Grant Program**”; and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project; and
3. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
4. Certifies that the Applicant will expend grant funds prior to the Grant Deadline of March 15, 2026; and
5. Delegates the authority to the City Manager, or his or her designee, to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of Grant Scope;

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 January 19, 2022.

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

APPROVED:

ATTEST:

Rich Constantine, Mayor

Michelle Bigelow, City Clerk

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. xx-xxx, adopted by the City Council at a regular meeting held on January 19, 2022.

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

DATE: _____

Michelle Bigelow, City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Chris Ghione, Public Services Director

APPROVED BY: City Manager

APPROVE PROPERTY USE AGREEMENT WITH WOODLAND ESTATES

RECOMMENDATION(S)

Authorize the City Manager to Execute a Property Use Agreement for City-owned Open Space with Woodland Estates for a fee of \$1 per year.

Estimated Time: N/A

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Maintaining Infrastructure

REPORT NARRATIVE:

The City of Morgan Hill owns property along Llagas Creek adjacent to Woodland Estates, a mobile home park, and has historically leased the property between the creek and their park for recreational purposes. The park's last use agreement expired in 2019.

Staff has developed an updated property use agreement and reflects the park and City's interest in using the land as public open space without excluding others. The term of the agreement is five years. City staff are not aware of any concerns or problems relating to the park's historical use of the property and their use does not interfere with stream maintenance or stream flow. The updated use area is much smaller than in the past and leaves the remainder of the property as city-owned open space.

Executing this agreement is supportive of the Council's goal to provide for well-maintained public infrastructure as this agreement results in the park maintaining this property. Additionally, the agreement reduces risk for the City by Woodland taking on the risk associated with improvements in the area.

COMMUNITY ENGAGEMENT:

None.

The City has worked directly with the Woodland Estates management on the agreement. The agreement has no impact on other residents or nearby neighborhoods.

ALTERNATIVE ACTIONS:

The City could alternatively not approve the agreement with Woodland Estates. This alternative would require Woodland Estates to remove all improvements on City property.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On March 19, 2014, the City Council previously approved a property use agreement with Woodland Estates.

FISCAL AND RESOURCE IMPACT:

There is no fiscal impact associated with approving this agreement. Minor maintenance cost savings to the City for Woodland Estates maintaining the area may occur, but this amount is very limited.

CEQA (California Environmental Quality Act):

Not a Project.

Continuing administrative activities such as a property use agreement that have no effect on the physical environment are not considered projects for environmental review under CEQA.

PROPERTY USE AGREEMENT BETWEEN CITY OF MORGAN HILL AND WOODLAND RESIDENTS

This Property Use Agreement, hereinafter "Use Agreement", made and entered into this ____ day of _____, 2021 ("Effective Date"), by and between the CITY OF MORGAN HILL, a municipal corporation, hereinafter referred to as "CITY," and WOODLAND RESIDENTS, INC., a California corporation, hereinafter referred to as "USER." Throughout this Use Agreement, CITY and USER are referred to collectively as the "Parties" and individually as a "Party."

RECITALS

The following recitals are a substantive part of this Use Agreement.

1. This Use Agreement is entered into pursuant to the City of Morgan Hill's City Council approval on January 19, 2022.
2. CITY owns property adjacent to Llagas Creek (APN 779-030140) ("City Property").
3. USER owns property and operates a mobile home park adjacent to the City Property known as the Woodland Estates ("Woodland Estates Property").
4. Parties acknowledge that CITY and USER were parties to a Use Agreement for the same Premises defined below, which expired by its own terms on March 31, 2019.
5. CITY wishes to allow USER to continue to use the Premises described below, and USER desires to use the Premises and to accept and abide by the provisions of this Use Agreement, all on the following terms and conditions:

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Premises.** The CITY hereby agrees to allow USER to use and USER hereby agrees to use, all in accordance with the terms hereof, that certain parcel of land adjacent to the Woodland Estates Property located from the centerline of Llagas Creek in a northerly direction to the east property line of the Woodland Estates Property along the entire frontage of said Woodland Estates Property and Llagas Creek, which parcel of land is more particularly described in Exhibit "A" ("Premises") attached hereto and made a part of this Use Agreement.
2. **Term.** This Use Agreement shall be for a five (5) year term, beginning on February 1, 2021, and ending on December 31, 2026. The term of the Agreement may be extended for five additional one-year terms by mutual consent of the Parties, and CITY'S City Manager is authorized to extend the term of this Use Agreement upon the same other terms and conditions contained herein.

- 2.1 No ongoing expectation of use. USER acknowledges that the Use Agreement does not provide any ongoing expectation of use of the Premises. CITY shall allow the temporary encroachments described below as temporary improvements to remain at this time solely for the convenience and benefit of the USER. In so doing, CITY expressly does not abandon the Premises or waive any rights thereunder, and USER, their heirs, successors, and assigns, derive no basis for a claim of prescriptive rights.
- 2.2 Termination. Either Party may terminate this Use Agreement by serving 60 days' written notice as provided in paragraph 14.
- 2.2 Holding Over. If USER or any assignee or sublessee thereof continues to occupy the Premises after the term of this Use Agreement has expired or terminated in any manner and CITY has not objected thereto, such holding over shall be deemed a month-to-month agreement terminable on thirty (30) days' notice given by either Party on the same terms and conditions as provided in this Use Agreement.
- 2.2.1 Notwithstanding the foregoing, nothing contained in this Use Agreement shall give USER any right to occupy the Premises at any time after expiration of the term of this Use Agreement or its earlier termination. USER acknowledges and agrees that upon such expiration or termination, it shall not be entitled to any relocation assistance or payment pursuant to the provisions of Title 1, Division 7, Chapter 16, of the Government Code of the State of California Paragraphs 7260 et seq.) or pursuant to any other laws or regulations with respect to any relocation of its business or activities upon the expiration of the term of this Use Agreement, upon its earlier termination, or upon the termination of any holdover tenancy pursuant to this paragraph. USER hereby waives and releases to CITY all rights, if any, to which USER may be entitled under said provisions or other law or regulations.
- 2.2.2 If USER or any assignee or sublessee thereof shall continue to occupy the Premises after the term of this Use Agreement has expired or is terminated in any manner and CITY has objected thereto, then CITY shall be entitled to reenter the Premises and enforce any other right available to it under the laws of California or the provisions of this Use Agreement, including the removal of any improvements at the cost of USER.

3. **Use Charge.** As consideration for USER'S use of Premises pursuant to the terms and conditions of this Use Agreement, USER agrees to pay to CITY one dollar (\$1.00) per year on the Effective Date and upon said subsequent anniversary dates of such execution during such time as this Use Agreement continues to remain in effect.

3.1. **Proration.** In the event that the term of this Agreement shall commence or end on any day other than the first and last day, respectively, of a calendar month, such monthly payment consideration due hereunder for a portion of such month shall be prorated on a per-diem basis and the first payment shall be due on or before the Effective Date.

4. **Use.** The Premises may be used by USER on a non-exclusive basis as open space and for passive recreational purposes of USER for the term of this Use Agreement. For purposes of this section, the residents of the Woodland Estates Property are included in the term USER.

4.1. Uses of the Premises by USER and any temporary improvements constructed by USER shall not interfere with flood control.

4.2. CITY'S Parks and Recreation Master Plan identifies the adjacent City Property for a future trail. CITY expressly reserves, without limitation, the right to construct a foot and horse path on the Premises, twenty (20) feet in width paralleling Llagas Creek for use during daylight hours. CITY shall provide notice to USER at least thirty (30) days' notice prior to commencement of construction.

5. **Improvements.** Pursuant to the previous Use Agreement, USER installed temporary improvements (defined as improvements that are easily removed and not permanent in nature) on the Premises.

5.1. Additional temporary improvements may be installed by USER.

5.2. USER shall coordinate in advance with CITY on the proposed installation of any improvement on the Premises that is in the nature of a building, fence, trees, or other improvement that is more permanently affixed or attached to the land.

5.3. USER must obtain CITY's prior written consent to install or construct any such permanent or temporary improvements.

5.4. CITY shall have complete control over the location, type of construction and architectural appearance of such improvements and can deny any such request.

5.5. If determined necessary by CITY to allow installation of the path described in paragraph 4 above, USER hereby agrees to remove temporary improvements at their sole expense within thirty days upon written notice by the CITY.

5.6. USER shall remove such improvements prior to expiration of this Use Agreement unless USER and CITY agree otherwise.

- 5.7. Any demolition activity and all improvements, changes, and alterations (other than changes or alterations to previously approved improvements, changes, or alterations) shall be undertaken in all cases subject to the following additional conditions which USER covenants to observe and perform:
- 5.7.1 No improvement, change or alteration, and no demolition and replacements shall be undertaken until USER shall have procured and paid for, so far as the same may be required from time to time, all municipal and other governmental permits and authorizations of the various municipal departments and governmental subdivisions having jurisdiction, and CITY agrees to join in the application for such permits or authorizations whenever such action is necessary.
 - 5.7.2 All work done in connection with any improvement, change, alteration or demolition and replacement shall be done promptly and in a good and workmanlike manner and in compliance with all laws, ordinances, orders, rules, regulations and requirements of all Federal, state, and municipal governments and the appropriate departments, commissions, boards, and officers thereof and in a manner that causes no liens of any kind to be placed upon the Premises. All such work shall be at the sole cost and expense of USER.
 - 5.7.3 In addition to the insurance coverage referred to in Section 10 below, Workers' Compensation Insurance covering all persons employed in connection with the work and with respect to whom death or injury claims could be asserted against CITY, USER or the Premises, and a general liability policy coverage, with limits of not less than Two Million Dollars (\$2,000,000), shall be maintained by USER, at USER's sole cost and expense, at all times when any work is in process in connection with any improvement, change, alteration or demolition and replacement. All such insurance shall be obtained and kept in force as otherwise provided in Section 10 below, including sections 10.2, 10.3, and 10.4.

6. **"As Is" Condition.** USER accepts the Premises permitted for its use under the Use Agreement in its present condition, "as is" and subject to (1) all easements, covenants, conditions, restrictions, reservations, rights of way, liens, encumbrances, and other matters of record, (2) all matters discoverable by physical inspection of the Premises or that would be discovered by an accurate survey of the Premises, and (3) all matters known to USER or of which USER has notice, constructive or otherwise. The taking of possession of the Premises shall, in itself, constitute acknowledgment by USER that the Premises is in a condition satisfactory for its use and that CITY has not agreed to undertake any modifications, alterations, or improvements to the Premises except as specifically provided in this Use Agreement. USER specifically acknowledges that, except as otherwise may be expressly provided herein, CITY has made no representations concerning the condition of the Premises, the fitness of the Premises for USER'S intended use, or the compliance of the Premises with any federal, state, or local building codes or ordinances or with any laws,

regulations, or guidelines regarding disabled or handicapped person, including, without limitation, the Americans with Disabilities Act of 1990.

7. **Assignment.** The USER shall not assign this Use Agreement or any interest therein, nor sublet the Premises or any part thereof, without the prior written consent of the CITY.

8. **Compliance with Laws.** The USER shall observe and comply with and perform and execute all Federal, State or CITY statutes, ordinances, rules, regulations and orders, and any and all regulations and orders of any Federal, State or CITY board or public authority or officer, which in any way affects or relates to or are applicable to the Premises or the use of occupancy thereof, and the USER hereby agrees to indemnify the CITY and save CITY harmless from any and all liability that may arise from any infringement or violation of any of the USER's employees or agents, or by any other person who shall be upon the Premises with the USER's consent.

8. **Right to Inspect and Post Notices.** The CITY or the CITY's representatives or agents shall have the right to enter the Premises at all reasonable times during the term of this Use Agreement to inspect the same, or to post notices of non-responsibility for any work to be done therein at the instance of the USER, or for any other lawful purpose.

9. **Taxes.** If it is determined by the lawful taxing authorities that the land or the improvements thereon are taxable, then USER shall be responsible for all such taxes. Likewise, USER shall be responsible for any taxes on any property considered personal property and located on the Premises. USER understands that the property interest of USER under this Use Agreement may be subject to property taxation and that USER may be subject to the payment of property taxes levied on USER's interest under this Use Agreement, including without limitation possessory interest tax pursuant to California Revenue and Taxation Code section 107.6.

10 **Insurance Requirements.** USER shall 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 USER, including liability for damage or injury to the property or person (including death) of any USER or invitee of USER or any other person entering upon or using the Premises, or any structure thereon, or any part thereof, and arising from USER'S use and occupancy thereof, and must remain in full force and effect at all times during the period covered by this Use Agreement. 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. USER further understands that CITY reserves the right to modify the insurance requirements set forth herein, with thirty (30) days' notice provided to USER, at any time as deemed necessary to protect the interests of CITY.

10.1 **Commercial General Liability (CGL).** USER shall maintain CGL 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)

for bodily injury or death to any one person for any one accident or occurrence and at least five hundred thousand dollars (\$500,000.00) for property damage, or (ii) the maximum amount of such insurance available to USER under USER'S combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

- 10.2 Endorsements. USER shall provide proof of the following endorsements, listed for each policy for which endorsements are required, as outlined below:

10.2.1. General Liability.

10.2.1.1. The City of Morgan Hill, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers are named as additional insureds.

10.2.1.2. 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,

10.2.1.3. Insurance shall be primary non-contributing.

- 10.3. Qualification of Insurers. All insurance required pursuant to this Use Agreement must be issued by a company licensed and admitted, or otherwise legally authorized to carry out insurance business in the State of California, and each insurer must have a current A.M. Best's financial strength rating of "A" or better and a financial size rating of "VII" or better.

- 10.4. Certificates. USER shall furnish CITY with copies of all policies or certificates as outlined herein, whether new or modified, promptly upon receipt. No policy subject to this Use Agreement shall be canceled or materially changed except after thirty (30) days' notice by the insurer 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

11. **Non-Liability of Officials and Employees of the CITY.** No official or employee of CITY shall be personally liable for any default or liability under this Use Agreement.

12. **Indemnification.** USER agrees to protect, defend, and hold harmless CITY and its electives or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses, or damages of any natures, including attorney's fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of this Use Agreement or occupation of use or construction on the Premises by USER, USER'S agents, officers, employees,

subcontractors, or independent contractors hired by USER. The only exception to the USER'S responsibility to protect, defend, and hold harmless CITY, is due to the sole negligence of CITY, or any of its elective or appointive boards, officers, agents, or employees.

13. **Destruction of Premises.** In the event of total destruction of the Premises either USER or CITY shall have the right to terminate this Use Agreement. In the event of partial destruction, CITY shall have the right, but not the obligation to repair the Premises. USER's obligations under the Use Agreement shall continue after partial destruction.

14. **Notices.** All notices shall be personally delivered or mailed, via first class mail to the below listed addresses. These addresses shall be used for delivery of service of process.

14.1. Address of USER:

Woodland Residents, Inc.
850 W. Middle Avenue
Morgan Hill, CA 95037

14.2. Address of CITY:

Address of CITY is as follows:

Public Services Director	with a copy to:
City of Morgan Hill	City Clerk
17575 Peak Avenue	17575 Peak Avenue
Morgan Hill, CA 95037	Morgan Hill, CA 95037

15. **Maintenance of Premises.** USER shall, during the term of this Use Agreement, at its own cost and expense and without any cost or expense to CITY, except for the maintenance of mature trees over 20 feet in height:

15.1. Keep and maintain Premises, and improvements thereon (subject to USER's right to demolish) and all appurtenances thereto in good and neat order and repair and shall allow no nuisances to exist or be maintained therein. USER shall likewise keep and maintain the grounds, sidewalks, roads and parking, and landscaped areas in good and neat order and repair. CITY shall not be obligated to make any repairs, replacements or renewals of any kind, nature or description whatsoever to the Premises or improvements now or hereafter located thereon, and USER hereby expressly waives all right to make repairs at CITY's expense under sections 1941 and 1942 of the California Civil Code, or any amendments thereof;

15.2. Comply with and abide by all federal, state, county, municipal and other governmental statutes, ordinances, laws, and regulations affecting the Premises, all buildings, and improvements now or hereafter located thereon, or any activity or condition on or in the Premises.

15.3. Prevent and refrain from the commitment of waste upon the Premises other than to the extent necessary for the removal of any buildings or improvements upon the Premises or for the purpose of constructing and erecting thereon other buildings and improvements in accordance with the rights set forth in Section 5.

16.4. Prevent and refrain from the use of Premises as a site for the use, generation, manufacture, storage, treatment, release, discharge, disposal, transportation, or presence of any Hazardous Substance.

16.5 Shall not be responsible for the maintenance of mature trees over 20 feet in height. The CITY shall remain responsible for maintenance of such trees.

16. **Modification.** This Use Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Use Agreement may be modified only by subsequent mutual written agreement executed by CITY and USER.

17. **California Law.** This Use Agreement shall be construed in accordance with the laws of the State of California. Any action commenced pursuant to this Use Agreement shall be initiated in the Superior Court of the County of Santa Clara.

18. **Integration.** The Use Agreement constitutes the entire agreement between the parties. There are no representations not expressed herein. CITY, however, reserves the right, and USER agrees to extend the right to CITY, to make reasonable rules and regulations which, in CITY's judgment, may become necessary.

19. **Time of Essence.** Time is of the essence in the performance of this Use Agreement.

20. **Non-Discrimination.** USER covenants there shall be no discrimination against or segregation of any person, group, or employees due to race, color, creed, religion, sex, marital status, age, disability, national origin, or ancestry, in any action or activity pursuant to this Use Agreement.

21. **Interpretation.** This Use Agreement shall be interpreted as though prepared by both parties.

22. **Default.** USER shall be deemed to be in default of this Use Agreement if, following notification of any deficiency under this Use Agreement, including but not limited to, failure to maintain the Premises in clean condition and good order, said deficiency has not been corrected without notification to the satisfaction of CITY within thirty (30) days, or in any of the following events:

22.1 Failure to maintain the insurance required in Section 10 in full force and effect;

22.2 Violation of any applicable federal, state, local or district regulation; or

22.3 Conducting or permitting any activity deemed to be a public nuisance.

23. **Termination for Default.** This Use Agreement may be terminated immediately by CITY on the grounds that USER has been determined to be in Default as described in Section 22, or upon a determination by the City Manager that continuation of this Use Agreement would not be in the interest of the public health, safety, or welfare of the CITY.

24. **Preservation of Agreement.** Should any provision of this Use Agreement be found invalid or unenforceable, the decision shall affect only the provision interpreted, and all remaining provisions shall remain enforceable.

25. **Attorney Fees.** In the event of any action or proceeding at law or in equity between CITY and USER to enforce any provision of this Use Agreement or to protect or establish any right or remedy of either party hereunder, the unsuccessful party to such litigation shall pay to the prevailing party all costs and expenses, including reasonable attorney's fees, incurred therein by such prevailing party, and if such prevailing party shall recover judgment in any such action or proceeding, such costs, expenses and attorney's fees shall be included in and as a part of such judgment.

26. **Signatures.** This Use Agreement may be signed in counterpart. The individuals executing this Use Agreement represent and warrant that they have the legal capacity and authority to do so on behalf of their respective entities.

IN WITNESS THEREOF, these parties have executed this Use Agreement on the day and year shown above.

[TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS: (1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; **AND** (2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER OR ASSISTANT TREASURER.]

ATTEST:

CITY OF MORGAN HILL

City Clerk

Date: _____

City Manager

Date: _____

APPROVED AS TO FORM:

WOODLAND RESIDENTS, INC.

City Attorney

Date: _____

Lenee Greene

By:

Title:

Board President, WRI

Print Name and Title of Signer.

If Corporate: Chairman,
President or Vice President

Date:

12/20/21

By:

Title:

Sacali Herscheval

Print Name and Title of Signer.

If Corporate: Secretary, Assistant
Secretary, Chief Financial Officer
or Assistant Treasurer

Date:

12/20/21

Exhibit "A"

Legal Description for Private Use Easements

Easement Area 1

All that real property situated in the City of Morgan Hill, County of Santa Clara, State of California being more particularly described as follows:

A portion of lands Titled "Exhibit A" as described in that certain Corporation Grant Deed recorded as Document Number 5686620, dated June 15, 1977, Santa Clara County Records, and more particularly described as follows:

Beginning at northern most corner of said lands titled "Exhibit A", said corner being the **POINT OF BEGINNING**(1); thence along the northerly line of said lands, South 67°39'36" West, a distance of 506.58 feet; thence continuing along said northerly line South 75°47'20" West, a distance of 173.78 feet; thence leaving said northerly line, South 14°12'40" East, a distance of 40.00 feet; thence running parallel to the northerly line of said lands titled "Exhibit A", North 75°47'20" West, a distance of 211.98 feet; thence North 67°39'36" East, a distance of 499.71 feet to a point on the easterly line of said lands; thence along said easterly line North 51°41'00" West, a distance of 51.62 feet to the **POINT OF BEGINNING**(1), and containing an area of 30,357 square feet, more or less.

TOGETHER WITH a portion of said lands Titled "Exhibit A" as described in said Corporation Grant Deed recorded as Document Number 5686620, and more particularly described as follows:

Easement Area 2

Commencing at northern most corner of said lands titled "Exhibit A"; thence along the northerly line of said lands, South 67°39'36" West, a distance of 506.58; thence continuing along said northerly line South 75°47'20" West, a distance of 173.78 feet to the **POINT OF BEGINNING**(2); thence leaving said northerly line, South 14°12'40" East, a distance of 54.00 feet; thence running parallel to the northerly line of said lands titled "Exhibit A", South 75°47'20" West, a distance of 261.05 feet; thence North 14°12'40" West, a distance of 54.00 feet to a point on the northerly line of said lands Titled "Exhibit B"; thence along said northerly line North 75°47'20" East, a distance of 261.05 feet to the **POINT OF BEGINNING**(2), and containing an area of 14,097 square feet, more or less.

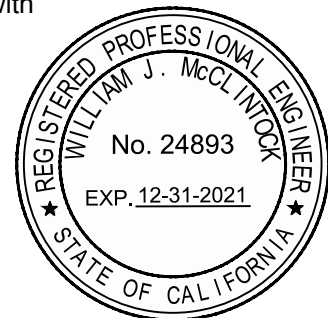
END OF DESCRIPTION

See Exhibit "B" plat to accompany, attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

William J. McClintock, RCE 24893
Expires 12/31/2021

Date



MH engineering Co.

16075 VINEYARD BOULEVARD MORGAN HILL, CA 95037

(408) 779-7381

SCALE: None

JOB #: 219151

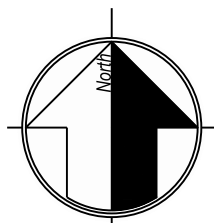
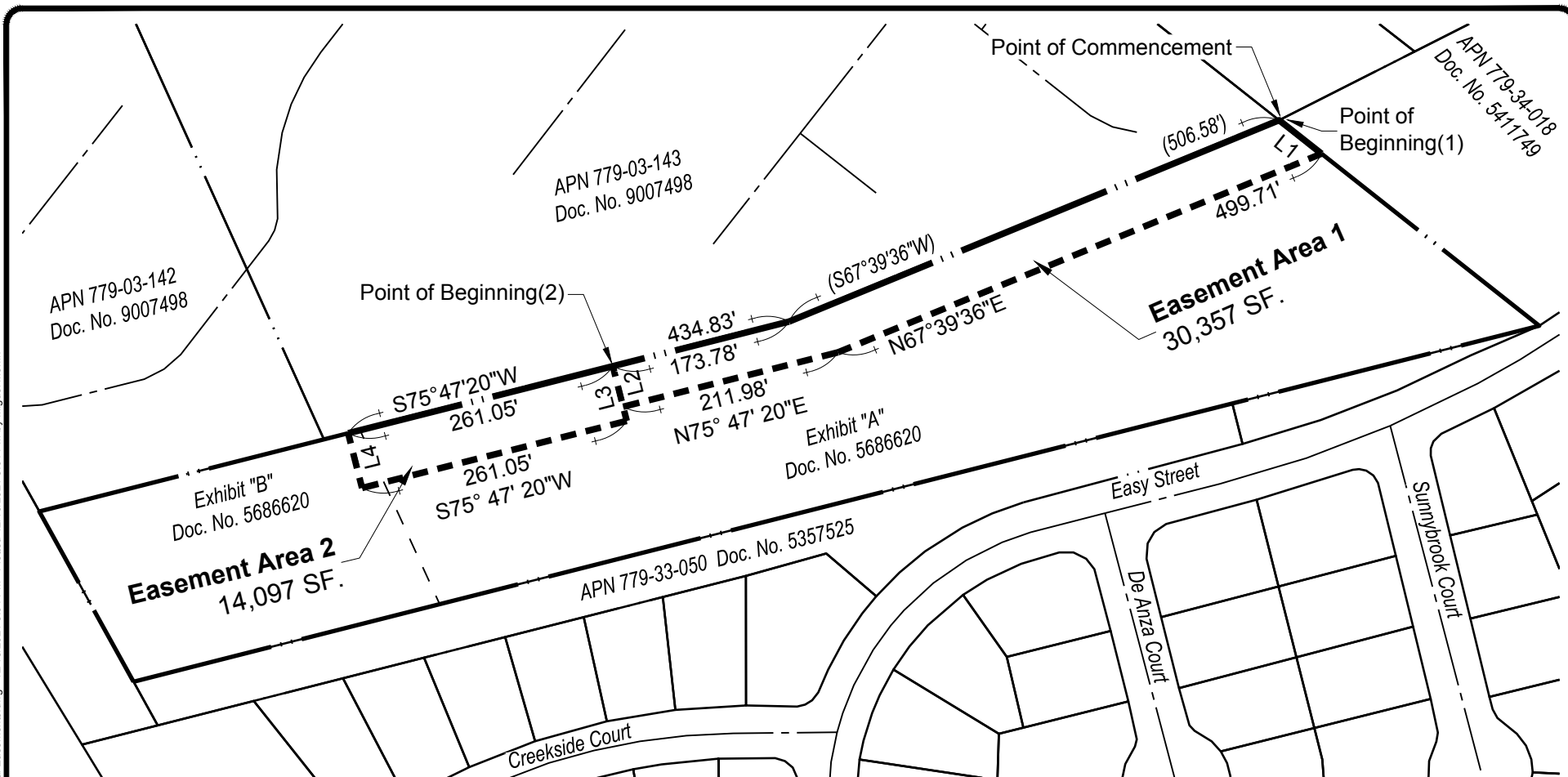
SHEET

DRAWN BY: miguelm

DATE: December 2021

1 of 1

L:\Projects\219151 CMH - WOODLAND ESTATES\DWG\219151 Plat & Legal Easements.dwg - 12/15/2021 3:04 PM - Plotted 12/15/2021 3:04 PM by Miguel Morfin
 Xrefs: 219151 2D Existing; 219151 Aerial Image



Scale: 1"=150'

0 25 50 100 200

Line Table		
#	Direction	Length
L1	N51°41'00"W	51.62'
L2	S14°12'40"E	40.00'
L3	S14°12'40"E	54.00'
L4	N14°12'40"W	54.00'

Exhibit "B"

Plat to accompany Legal Description for an Easement Area 1 AND Easement Area 2 over that certain portion of Land described in that Corporation Grant Deed filed as Doc. No. 5686620, Santa Clara County Records



MH engineering Co.

16075 VINEYARD BOULEVARD MORGAN HILL, CA 95037

(408) 779-7381

SCALE: 1" = 150'

JOB #: 219151

SHEET

DRAWN BY: miguelm

DATE: December 2021

1 of 1

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Maria Angeles, Senior Civil Engineer

APPROVED BY: City Manager

APPROVE PARCEL MAP FOR THE TECHCON PROJECT (440 & 480 COCHRANE CIRCLE)

RECOMMENDATION(S)

1. Approve the Parcel Map for the Techcon Project; and
2. Authorize the recordation of the Parcel Map.

Estimated Time:

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Protecting the Environment and Preserving Open Space and Agricultural Land

2020-2021 Strategic Priorities

Economic Development

Guiding Documents

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

The Techcon Project is a proposed 55,000 sq. ft., two-story light industrial/office building with an equipment storage yard that will become the new headquarters for the Techcon Construction Company. The project is on two vacant parcels in the Sutter Industrial Park that are situated on the northeast corner of the Cochrane Road and Monterey Road intersection.

On April 22, 2020, City Council adopted Resolution 20-025 which approved the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) for the Techcon Project. Along with the MND, Council also approved the Techcon Project's Improvement Agreement for the reconfiguration of the Monterey Road and Cochrane Road intersection. The light industrial/office building was planned to be constructed at the same time as the Monterey/Cochrane intersection improvements. However, due to unforeseen circumstances for the developer/property owner, Monument Land Company LLC, this work was delayed until now. The

Monterey/Cochrane intersection improvements were completed and accepted by Council on December 2, 2020.

The completed Monterey/Cochrane intersection reconfiguration resulted in approximately 10,825 sq. ft of excess right-of-way area at Monterey Road, north of Cochrane Road, that was no longer required for street purposes. On September 1, 2021, Council approved and adopted Resolution 21-040 declaring the summary vacation of the excess right-of-way area and the reservation of a Public Service Easement (P.S.E.). Resolution 21-040 also authorized the City Manager to sign a Quitclaim Deed to quitclaim the vacated area to Monument Land Company LLC. The Quitclaim Deed was recorded with the County Recorder on October 6, 2021.

The Techcon Project is currently working on its building permit plans and is close to obtaining a building permit for the new 55,000 sq. ft., two-story light industrial/office building. The majority of the required frontage improvements have been constructed by the developer concurrent with the Monterey/Cochrane intersection improvements. There are minor public improvements that will be completed with the construction of the new building.

The project is requesting Council approval of a Parcel Map (Attachment 2) to combine the area quitclaimed by the City with the two project parcels, and to obtain Council approval for the abandonment of the following previously dedicated public easements per Sections 66455(j) and 66499.20.2 of the California Subdivision Map Act:

1. A portion of that 30.00 feet wide Landscape Easement previously dedicated to the City of Morgan Hill per that parcel map filed for record in Book 564 of Maps at Pages 21 and 22, Santa Clara County records.
2. A portion of that 10.00 feet wide Temporary Construction Easement as conveyed to the City of Morgan Hill per that certain Deed of Easement recorded in Book C576 of Official Records, at Page 388, Santa Clara County.

The Parcel Map also includes the relinquishment by the owner/developer of an abutter's right of vehicular access along Monterey Road and Cochrane Road. This restricts vehicular access to the properties from Monterey Road and Cochrane Road.

The City Council is required to approve the map if it conforms to all the requirements of the Subdivision Map Act. The developer has furnished the City with the necessary documents to complete the processing of the Parcel Map and has made provisions with a title company to provide the City with the required fees prior to recordation of the Parcel Map. The Parcel Map conforms to the requirements of the Subdivision Map Act and conditions of approval have been met.

Staff recommends that the City Council approve the Parcel Map for the Techcon Project and authorize the recordation of the Parcel Map.

COMMUNITY ENGAGEMENT:

Inform.

Notification of the Council's consideration of the project's Mitigated Negative Declaration was mailed out on March 13, 2020, to all property owners within 600 feet of the project boundaries and published in the paper on March 20, 2020. Notice of the City's intent to adopt the Initial Study and proposed Mitigated Negative Declaration were posted with the Santa Clara County Recorder's Office on January 23, 2020 and published in the newspaper on January 24, 2020. Notice of the posting of the environmental documents was also done through the "Notify Me" application available on the City webpage.

ALTERNATIVE ACTIONS:

There is no feasible alternative action as the developer has met the requirements of the approved Design Review conditions to file for a Parcel Map approval. The Parcel Map is also an acceptable means for the project to combine the area quitclaimed by the City with the two project parcels, and to obtain Council approval for the abandonment of the previously dedicated public easements.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

October 2, 2019 – Council was asked to provide preliminary feedback on whether the City should pursue the reconfiguration of the Monterey Road and Cochrane Road intersection. The Council consensus was to pursue the reconfiguration due to the safety benefit and cost-saving benefit of partnering with the private office/industrial development (Cochrane-Monument Land Company Project).

April 22, 2020 – Council approved the Improvement Agreement with Monument Land Company LLC (developer/owner) and adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Techcon office/industrial development project.

December 2, 2020 – Council accepted the Monterey/Cochrane intersection improvements and also approved an Amended and Restated Improvement Agreement with the developer relating to the reimbursement for right-of-way improvements constructed for the City by the developer.

September 1, 2021 – Council approved and adopted Resolution 21-040 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.

FISCAL AND RESOURCE IMPACT:

Development review costs for this project are paid for from development processing fees.

CEQA (California Environmental Quality Act):

Project: A Mitigated Negative Declaration was adopted on April 22, 2020 (Cochrane-Monument Land Co.).



CITY OF MORGAN HILL

Public Works

SITE MAP TECHCON PARCEL MAP

G:\R-14\PROJ\JH\DWG\LeslieScott_CochraneBase.dwg



SCALE: 1"=100'

Owner's Statement

We hereby state that we are the owners of, or have some right, title, or interest in and to the real property included within the subdivision shown upon the herein map; that we are the only persons whose consents are necessary to pass a clear title to said real property; that we hereby consent to the preparation and filing of said map and subdivision as shown within the distinctive boundary line.

The real property described below is dedicated as an easement for public purposes: easements for any and all public service facilities including, but not limited to sidewalks, poles, wires and conduits for electrical, telephone, television, gas, storm, sanitary and water services, and all appurtenances thereto under, upon, or over the land delineated and designated as Public Service Easement (P.S.E.) on the within map.

We hereby reserve for the exclusive use of the owners of Parcel A & Parcel B, easements for landscaping purposes under, upon, or over those certain strips of land delineated and designated as Landscape Easement (L.E.) on the within map. The owners, their licensees and tenants of Parcel A and Parcel B shall be responsible for the maintenance of said easement area.

We hereby reserve for the exclusive use of the owners of Parcel A & Parcel B, private storm drainage easements in, under, upon and across those strips of land delineated and designated as Private Storm Drainage Easement (P.S.D.E.) on the within map. The owners, their licensees and tenants of Parcel A and Parcel B shall be responsible for the maintenance of said easement area.

We hereby reserve for the exclusive use of the owners of Parcel A and Parcel B, reciprocal rights of Ingress-Egress in, under, upon and across those strips of land delineated and designated as Ingress and Egress Easement (I.E.E.). The owners, their licensees and tenants of Parcel A and Parcel B shall be responsible for the maintenance of said easement area.

All of the herein described easements shall be kept free of buildings, except lawful unsupported roof overhangs, and obstructions that do not impair the use of or are inconsistent with the purposes of the easements.

The herein described offers of dedication to the City of Morgan Hill are to be accepted only when the City Council of the City of Morgan Hill or its successor agency adopts and records in the office of the recorder of Santa Clara County a resolution accepting said easements. Until said resolution(s) are recorded, all easements encompassed within such offers of dedication shall be maintained by the developer during any required warranty period and thereafter by the owner(s) of the lots or parcels in the subdivision. The City of Morgan Hill shall not be responsible for maintenance and shall incur no liability with respect to such offered easements or any improvement thereon. All dedicated easements not accepted for maintenance by the city or other public agency shall be maintained by the owner(s) of the lots or parcels in the subdivision.

We hereby release and relinquish any and all abutter's rights of vehicular access delineated and designated as "No Vehicular Access" in and to said Monterey Road and Cochrane Road.

As Owner:
Monument Land Company, LLC, a California limited Liability Company
By: [Signature]
Name: Diane Swing
Its: Owner

PARCEL MAP

Being All of Parcel 2, and Parcel 3, as shown on that certain Parcel Map, filed for record on August 27, 1986 in Book 564 of Maps, at Pages 21 and 22;
AND being All of that certain strip of land described in that certain
Quitclaim Deed Doc. No. 25124547,
Santa Clara County, Recorder's Office.

Lying within the
City of Morgan Hill, County of Santa Clara, State of California

December 2021

NOTES

- 1. The distinctive boundary line indicates the boundaries of the land being subdivided by this Parcel Map.
- 2. The area within the distinctive boundary is 3.644 acres.
- 3. All distances and dimensions are in feet and decimals thereof.

Acknowledgment

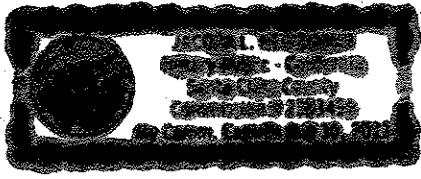
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State Of California
County Of Santa Clara
On December 17, 2021 before me, Jacoba L. Heinemann
personally appeared Diane Swing
who 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.

Jacoba L. Heinemann
Name: Jacoba L. Heinemann Notary Public In
And For Said County And State



(Seal)

Principal County Of Business: Santa Clara
Commission Expires: 8/30/2023
Commission # Of Notary: 2303456

County Recorder's Statement

Filed this _____ day of _____, 20____
at _____ m. in Book _____ of Maps, at Pages _____ at the request of M.H. Engineering Co.

File no. _____

Fee \$ _____

Regina Alcomendras, County Recorder of Santa Clara County

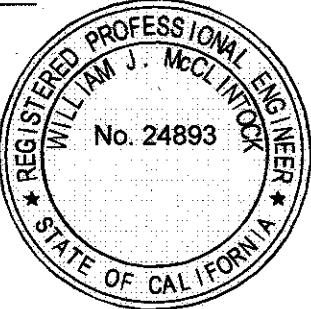
By: _____
Deputy

Engineer's Statement

This map was prepared by me or under my direction and is based upon a Field Survey in conformance with the requirements of the Subdivision Map Act and local ordinance, at the request of Paul Swing at Techcon, on July 31, 2019. That all the monuments are of the character and occupy the positions indicated, or will be set in such positions on or before January 30, 2023 and that such monuments are, or will be sufficient to enable the survey to be retraced. I hereby state that this Parcel Map substantially conforms to the approved or conditionally approved Tentative Map, if any.

William J. McClintock
William J. McClintock
R.C.E. NO. 24893

12/17/2021
DATE



City Engineer's Statement

I hereby state that I have examined this Parcel Map. The Subdivision as shown is substantially the same as it appeared on the Tentative Map, if required, and any approved alterations thereof. All provisions of the Subdivision Map Act, as amended, and of any local ordinances applicable at the time of approval of the Tentative Map, if required, have been complied with.

Scott C. Creer - City Engineer
City of Morgan Hill, California
R.C.E. NO. 58879

DATE



City Surveyor's Statement

I hereby state that I have examined this Parcel Map and that I am satisfied that said map is technically correct.

John K. King - Acting City Surveyor
Hanna & Brunetti
P.L.S. NO. 6809

DATE



City Clerk's Statement

I hereby state that the City Council of the City of Morgan Hill at its regular meeting held on _____, 20____, duly approved the Parcel Map shown hereon, authorized its recordation, and accepts on behalf of the public, subject to their improvement in accordance with city standards, the easements offered for dedication for public use in conformity with the terms of the offer of dedication and the relinquishment of abutter's right of vehicular access in and to said Monterey Road and Cochrane Road. I also hereby certify that said City Council has authorized the abandonment of the following previously dedicated public easements per sections 66455(j) and 66499.20.2 of the California Subdivision Map Act. The Filing of this map shall constitute abandonment of the following:

A Portion of that 30.00 feet wide Landscape Easement previously dedicated to the City of Morgan Hill per that parcel map filed for record in Book 564 of Maps at Pages 21 and 22, Santa Clara County records.

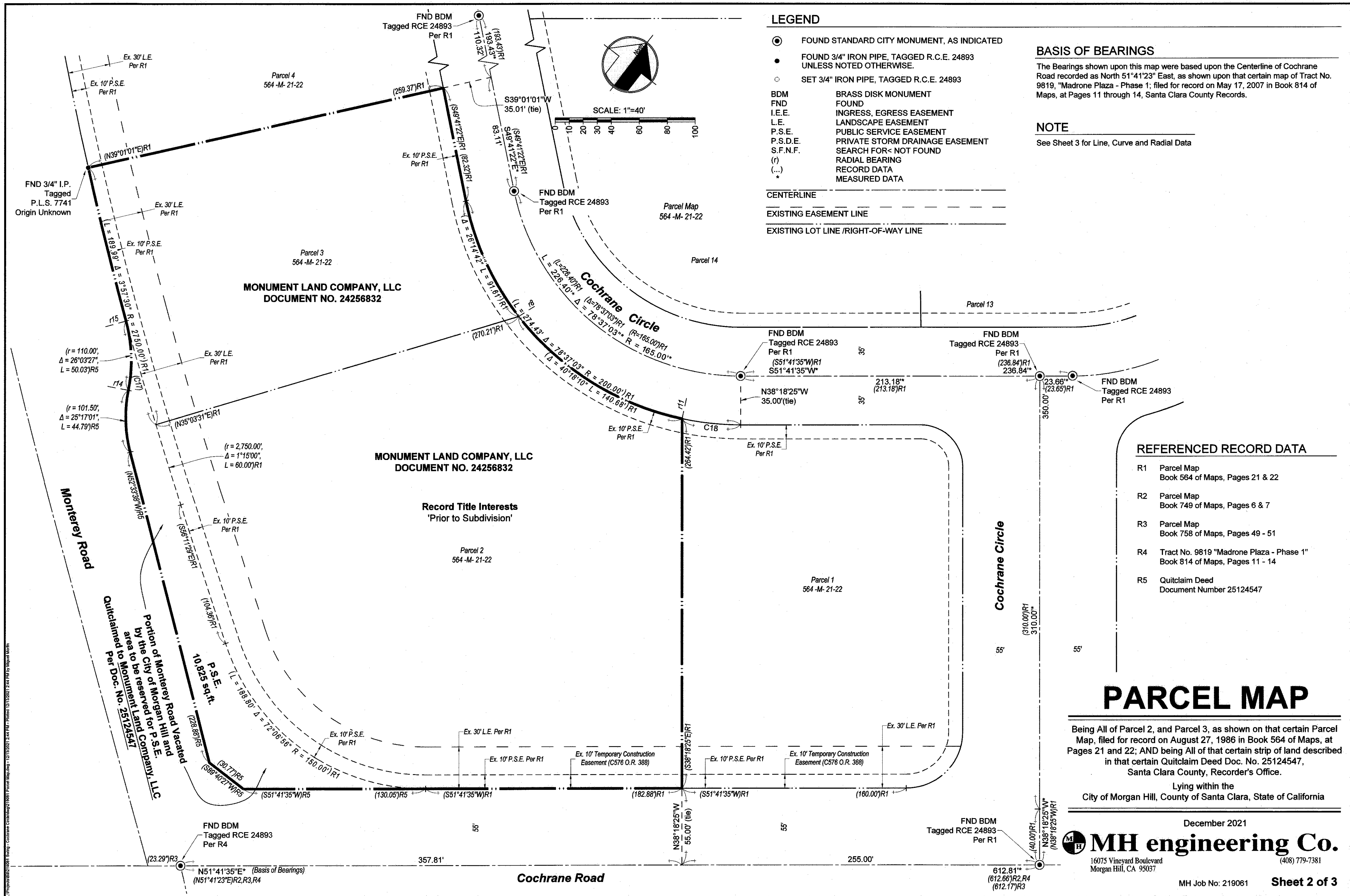
A Portion of that 10.00 feet wide Temporary Construction Easement as conveyed to the City of Morgan Hill per that certain Deed of Easement recorded in Book C576 of Official Records, at Page 388, Santa Clara County.

Michelle Bigelow
City Clerk of the City of Morgan Hill

DATE

MH engineering Co.
16075 Vineyard Boulevard
Morgan Hill, CA 95037
(408) 779-7381

MH Job No: 219061 Sheet 1 of 3



LEGEND

- FOUND STANDARD CITY MONUMENT, AS INDICATED
- FOUND 3/4" IRON PIPE, TAGGED R.C.E. 24893 UNLESS NOTED OTHERWISE.
- SET 3/4" IRON PIPE, TAGGED R.C.E. 24893
- BDM BRASS DISK MONUMENT
- FND FOUND
- I.E.E. INGRESS, EGRESS EASEMENT
- L.E. LANDSCAPE EASEMENT
- P.S.E. PUBLIC SERVICE EASEMENT
- P.S.D.E. PRIVATE STORM DRAINAGE EASEMENT
- S.F.N.F. SEARCH FOR- NOT FOUND
- (r) RADIAL BEARING
- (...) RECORD DATA
- *

CENTERLINE
EXISTING EASEMENT LINE
EXISTING LOT LINE /RIGHT-OF-WAY LINE

BASIS OF BEARINGS

The Bearings shown upon this map were based upon the Centerline of Cochrane Road recorded as North 51°41'23" East, as shown upon that certain map of Tract No. 9819, "Madrone Plaza - Phase 1; filed for record on May 17, 2007 in Book 814 of Maps, at Pages 11 through 14, Santa Clara County Records.

NOTE

See Sheet 3 for Line, Curve and Radial Data

REFERENCED RECORD DATA

- R1 Parcel Map Book 564 of Maps, Pages 21 & 22
- R2 Parcel Map Book 749 of Maps, Pages 6 & 7
- R3 Parcel Map Book 758 of Maps, Pages 49 - 51
- R4 Tract No. 9819 "Madrone Plaza - Phase 1" Book 814 of Maps, Pages 11 - 14
- R5 Quitclaim Deed Document Number 25124547

PARCEL MAP

Being All of Parcel 2, and Parcel 3, as shown on that certain Parcel Map, filed for record on August 27, 1986 in Book 564 of Maps, at Pages 21 and 22; AND being All of that certain strip of land described in that certain Quitclaim Deed Doc. No. 25124547, Santa Clara County, Recorder's Office.

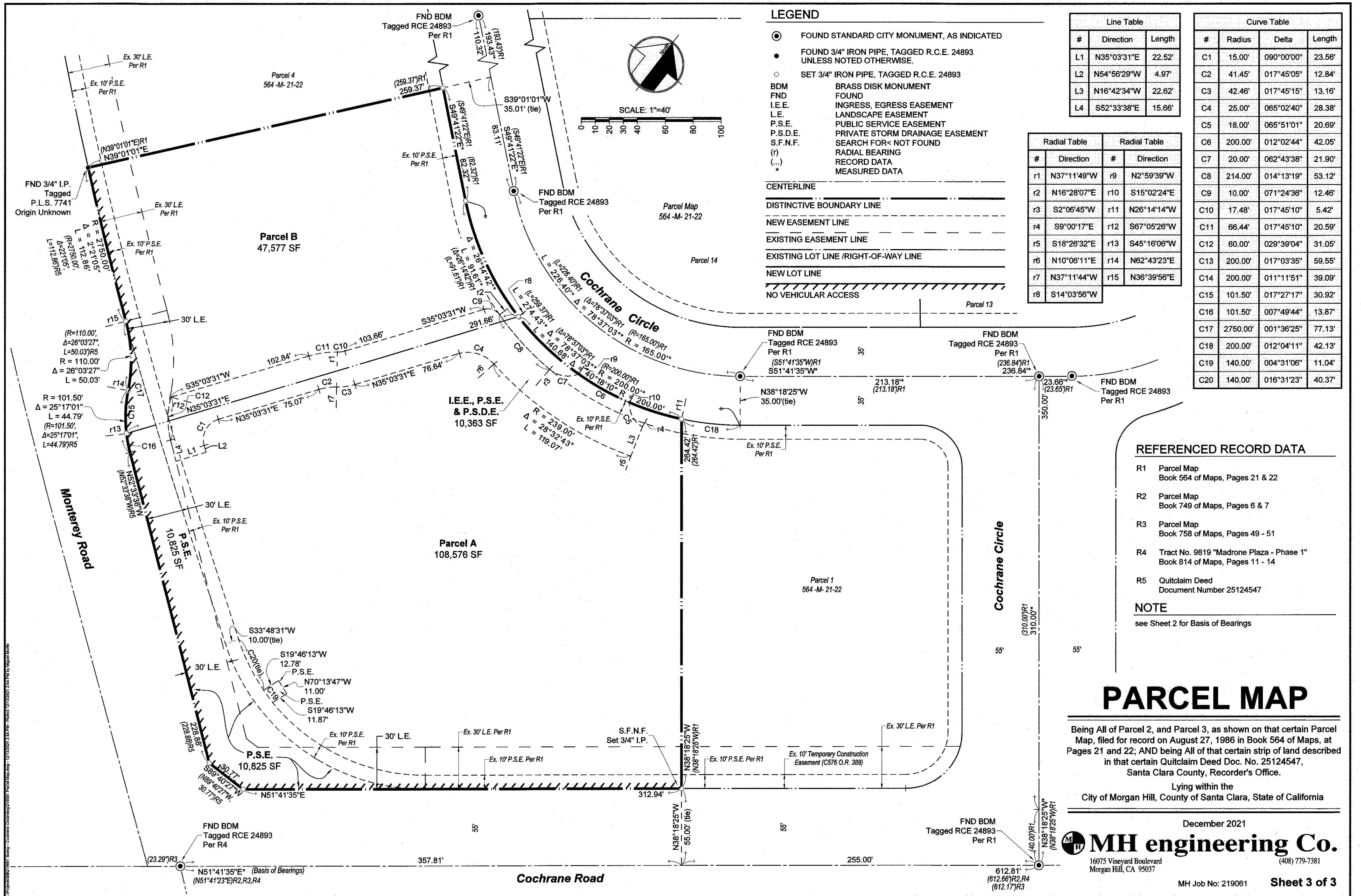
Lying within the City of Morgan Hill, County of Santa Clara, State of California

December 2021

MH engineering Co.
16075 Vineyard Boulevard
Morgan Hill, CA 95037
(408) 779-7381

MH Job No: 219061

Sheet 2 of 3



CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Adam Paszkowski, Principal Planner

APPROVED BY: City Manager

APPROVE PROFESSIONAL SERVICES AGREEMENT WITH TJKM TRANSPORTATION CONSULTANTS TO ASSIST WITH CITY'S IMPLEMENTATION OF STATE SENATE BILL 743 (TRANSITION FROM LEVEL-OF-SERVICE (LOS) TO VEHICLE-MILES-TRAVELED (VMT) METRIC FOR TRANSPORTATION ANALYSIS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA))

RECOMMENDATION(S)

Approve and authorize the City Manager to execute and administer the professional services agreement with TJKM Transportation Consultants for assistance with the City's implementation of State Senate Bill 743 (SB 743) for a total not-to-exceed amount of \$79,835.

Estimated Time: Non-applicable.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Protecting the Environment and Preserving Open Space and Agricultural Land
Advancing Regional Initiatives

2020-2021 Strategic Priorities

Fiscal Sustainability
Transportation

Guiding Documents

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

In 2013, Senate Bill (SB) 743 was signed into law and required lead agencies to adjust their method of evaluating transportation impacts, from Level of Service (LOS) to Vehicle Miles Traveled (VMT). Where LOS measures the average amount of delay experienced at key intersections during hours of highest congestion, VMT accounts for the number of vehicle trips generated and the distance of those trips. This is a significant methodology change to determine transportation impacts under the California Environmental Quality Act (CEQA), and the intent is to "promote the state's goals of

reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations.” The California Governor's Office of Planning and Research (OPR) issued a "Technical Advisory on Evaluating Transportation Impacts in CEQA" recommending that adopted thresholds for new projects should reduce VMTs by 15%. Provisions under Section 15064.3(c) of the CEQA Guidelines require the application of VMT since July 1, 2020.

As VMT is a regional issue, the City participated in a collaborative study led by the Valley Transportation Authority (VTA). As the Congestion Management Agency (CMA) for Santa Clara County, VTA prepared the methodology for SB743 compliance, and an online VMT Evaluation Tool was also developed to facilitate screening of projects within the county.

The study produced a model which calculated VMT that was “significantly higher” for the City and the south county area when compared to other cities in Santa Clara County. The high VMT is a factor of the City’s remoteness and the large distances that commuters, community members, and visitors must travel for work, shopping, services, and recreation, and the lack of public transportation. This study also showed that a 15% reduction in VMT below that of existing development could not feasibly be attained for the majority of the City.

The City entered into a professional services agreement with a Traffic Engineering Firm, Nelson\Nygaard Consulting Associates, Inc., in January 2020 to assist with the City’s implementation of SB743 and establishing VMT Screening Criteria and Thresholds of Significance utilizing the VTA Countywide model. However, the Screening Criteria and Thresholds of Significance identified by Nelson\Nygaard were not adopted by the City Council, and City staff was directed to pursue its own VMT model, that is more reflective of the City, in order to deviate from the VTA Countywide VMT model, and/or to deviate from OPR’s Technical Advisory recommending to reduce VMT of new development by 15%, and revise the proposed screens and thresholds as necessary once the City’s model and/or deviation from OPR's Technical Advisory is complete.

Lead agencies have discretion to deviate from OPR's recommended 15% reduction in VMT by developing and adopting their own, or relying on thresholds recommended by other agencies, “provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.” (Id. at subd. (c); *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Substantial evidence means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (Id. at § 15384; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1108-1109.)

Therefore, City staff released a Request for Proposal (RFP) to conduct the above-identified work on July 28, 2021. In response to the RFP, the City received two responses, one from TJKM Transportation Consultants and the other from Fehr and Peers. TJKM Transportation Consultants was selected as the consultant capable of

providing the requested services as they were the firm responding to all of the items identified within the RFP, in particular providing information to deviate from OPR's Technical Advisory and not duplicating work that had already been achieved with Nelson\Nygaard.

During the RFP process, it was identified that focusing on pursuing a City-owned VMT model was not the best way to proceed to achieve a significant difference from VTA's VMT model and evaluation tool to generate a more refined result for Morgan Hill. Although a City-owned VMT model could be produced, the cost of conducting an extensive refinement of the VTA model would not reflect significant changes to the projected VMT levels that are currently shown for the City when using the VTA model in its current state. Despite the extensive effort and cost involved in the development of a City-specific model, the end result will still indicate VMT levels that will be difficult to mitigate. Therefore, in discussions with TJKM, City staff took a much simpler route and requested TJKM to revise their Scope of Work to focus on deviating from OPR's Technical Advisory to reduce the VMT for new development by 15%. Other jurisdictions have chosen this route since they, like Morgan Hill, are smaller and lack the transit services that warrant extensive VMT evaluation. Therefore, staff proposes to contract with TJKM Transportation Consultants as staff believes that the firm is the most qualified and has current relevant experience. TJKM provides expert consultation for the review, development, implementation, application, and calibration of transportation planning modeling systems, as well as, experience forecasting future traffic volumes. TJKM has direct experience with the existing VTA VMT model and has worked on updating VMT models of Solano, Napa, Sonoma, San Francisco Bay Area, San Joaquin, Stanislaus, Merced, and Nevada County.

The attached agreement (Attachment 1) shows TJKM's scope of work and deliverables along with a proposed timeline. The agreement is for a total not-to-exceed amount of \$79,835 with the term expiring on December 31, 2022.

COMMUNITY ENGAGEMENT:

Inform.

This report serves to inform the community of the recommended contract approval for TJKM Transportation Consultants to assist with the City's implementation of SB 743.

ALTERNATIVE ACTIONS:

City Council could decide not to approve the agreement and have staff solicit a new consultant proposal.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On June 6, 2018, the City Council adopted the Biennial FY 2018-19 & FY 2019-20 Operating Budget which included one-time funding of \$200,000 within the Special Revenue Fund 207 for Long Range Planning's work program task to implement SB 743.

FISCAL AND RESOURCE IMPACT:

Funds for the agreement are budgeted within the Long-Range Planning Fund (207) and included in the adopted Biennial Operating Budget.

CEQA (California Environmental Quality Act):

Not a Project: Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment are exempted from environmental review under Section 15061(b)(3) of the State CEQA Guidelines. The agreements are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

CONSULTANT AGREEMENT TJKM TRANSPORTATION CONSULTANTS

THIS AGREEMENT is entered into and becomes effective on _____ (Effective Date), by and between the CITY OF MORGAN HILL, a municipal corporation, ("CITY"), and TJKM Transportation Consultants a California corporation ("CONSULTANT") hereinafter referred to collectively as "Parties." In consideration of the promises and the mutual covenants contained in this Agreement, the Parties agree as follows:

1. **City Authority.** This Agreement is entered into pursuant to the action of the Morgan Hill City Council taken on _____, _____, 20____.
2. **Term of Agreement.** This Agreement shall cover services rendered from the Effective Date of this Agreement until December 31, 2022 at which time CONSULTANT'S services shall be completed. The City Manager is authorized to extend the term of this Agreement for a maximum period of one year. Any such extension shall be in writing and signed by both Parties to this Agreement.
3. **Scope of Service.** The services to be performed by CONSULTANT shall be the completion of certain tasks associated with the City's implementation of State Senate Bill 743 which requires the transition from Level-of-Service (LOS) to Vehicle-Miles-Traveled (VMT) as the metric for transportation analysis under the California Environmental Quality Act (CEQA) as further described in **Exhibit A**.
4. **Compensation.** CONSULTANT shall be compensated as follows:
 - 4.1. **Amount.** \$79,835.00. Total compensation to CONSULTANT under this Agreement during its initial term set forth in Section 2 above shall not exceed seventy-nine thousand eight hundred thirty-five dollars and shall be billed based on the rate and basis set forth in **Exhibit B**. If the City Manager extends the term of this Agreement for up to one year pursuant to the provisions of Section 2 above, the City Manager shall have the authority to increase the maximum compensation allowed to be paid to CONSULTANT, so long as City Council has appropriated sufficient funds therefor, the Parties mutually agree to such amount in a writing signed by both Parties to this Agreement and provided further that in no event shall such maximum compensation allowed for the term exceed the City Manager's authority pursuant to Chapter 3.04 of the Morgan Hill Municipal Code, unless otherwise authorized by City Council.
 - 4.2. **Billing.** CONSULTANT shall provide CITY with an invoice containing the dated, detailed, and itemized descriptions of all services performed and expenses incurred (if such expenses are reimbursable pursuant to Exhibit B) by CONSULTANT on a monthly basis unless otherwise specified in Exhibit B. All invoices shall be sent to the CITY addressed to the department head or project manager identified below in Section 13 Notices. Any rate charged shall be prorated where services are interrupted or not provided for any rate period (for example, any monthly rate charge should be prorated when services were interrupted or provided for only part of the month). For services billed on an hourly rate, the minimum unit of billed time shall not exceed one tenth of one hour. CITY shall pay for services and expenses (if so provided in Exhibit B) up to the limit of compensation set forth above, that in the CITY's judgment were necessary and reasonable. Services for work performed and expenses incurred in excess of the total compensation set forth in paragraph 4.1 above shall be at no cost to CITY.
5. **Termination.** CITY or CONSULTANT shall have the right to terminate this Agreement, without cause, by giving thirty (30) days' written notice or less under urgent circumstances. Upon such termination, CONSULTANT shall submit to CITY an itemized statement of services performed for which compensation

has not been paid. CITY may require CONSULTANT to complete certain work product or documents and CONSULTANT shall deliver to CITY all documents in its possession without additional compensation to CONSULTANT. The City Manager of CITY is authorized to terminate this Agreement, in whole or in part, on behalf of CITY.

- 5.1. **Non-Appropriations.** Notwithstanding anything contained in this Agreement to the contrary, if insufficient funds are appropriated, or funds are otherwise unavailable in the budget for CITY for any reason whatsoever in any fiscal year, for payments due under this Agreement, CITY will immediately notify CONSULTANT of such occurrence, and this Agreement shall terminate after the last day during the fiscal year for which appropriations shall have been budgeted for CITY or are otherwise available for payments.

6. **Performance of Work.** CONSULTANT represents that it is qualified by virtue of experience, training, education, and expertise to accomplish these services. Services shall be performed by CONSULTANT in accordance with professional practices in a manner consistent with a level of care, competence and skill exercised by qualified members of the CONSULTANT'S profession. By delivery of completed work, CONSULTANT certifies that the work conforms to the requirements of this Agreement and all applicable federal, state and local laws. CONSULTANT shall perform all work and services under this Agreement in conformance with the time schedule set forth on Exhibit C, "Schedule of Performance," attached hereto and incorporated herein by this reference. CITY's City Manager is authorized on behalf of CITY to modify the timeframes set forth on the Schedule of Performance within the term of this Agreement. If CONSULTANT desires to leave or store any of CONSULTANT's equipment at a CITY site while CONSULTANT is performing work or service pursuant to this Agreement, CONSULTANT will first obtain the consent of CITY's City Manager, or his/her delegate, to do so, and any such storage shall occur only in the manner and location allowed by such CITY official and entirely at CONSULTANT's sole risk.

7. **Insurance Requirements.** CONSULTANT shall 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 CONSULTANT, including its subcontractors, employees and agents, relating to or arising from the performance of any work or service under this Agreement, and must remain in full force and effect at all times during the period covered by this Agreement. 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. CONSULTANT further understands that the CITY reserves the right to modify the insurance requirements set forth herein, with thirty (30) days' notice provided to CONSULTANT, at any time as deemed necessary to protect the interests of the CITY.

7.1. **Insurance Types and Amounts.**

- 7.1.1. **Commercial General Liability (CGL).** CONSULTANT shall maintain CGL 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 for any one accident or occurrence, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.
- 7.1.2. **Automobile Liability.** CONSULTANT shall maintain Automobile Liability covering all owned, non-owned and hired automobiles (if CONSULTANT does not own automobiles, then CONSULTANT 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 for any one accident or occurrence, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

7.1.3. Workers' Compensation Insurance and Employer's Liability. CONSULTANT shall maintain Workers Compensation coverage, as required by law, 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 CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater. If CONSULTANT is self-insured, CONSULTANT shall provide its Certificate of Permission to Self-Insure, duly authorized by the Department of Industrial Relations.

7.1.4. Pollution (Environmental) Liability. If the performance of CONSULTANT'S work or service under this Agreement involves hazardous materials, contaminated soil disposal, and/or a risk of accidental release of fuel oil, chemicals or other toxic gases or hazardous materials, CONSULTANT shall procure and maintain Pollution Liability covering the CONSULTANT'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 CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

7.1.5. Professional Liability.

7.1.5.1. If the performance of CONSULTANT's work or service under this Agreement involves professional and/or technical services (examples include, but are not limited to, architects, engineers, land surveyors, and appraisers), CONSULTANT 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 CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater. Further, if CONSULTANT maintains a claims-made policy, CONSULTANT shall provide written evidence of such insurance to the CITY for at least five (5) years after the completion of work performed under this Agreement.

7.1.5.2. If the performance of CONSULTANT's work or service under this Agreement relates to Information Technology or related services (examples include, but are not limited to computer programmers, software designers, hardware engineers, or other systems consultants), CONSULTANT 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 CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

- 7.1.6. **Sexual Abuse/Molestation Liability (SML):** If the performance of CONSULTANT's work or service under this Agreement involves contact with minors, CONSULTANT shall procure and maintain Sexual Abuse and Molestation insurance in the minimum amount of: (i) two hundred thousand dollars (\$200,000.00) each claim, or (ii) the maximum amount of such insurance available to CONSULTANT under CONSULTANT's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.
- 7.2. **Endorsements.** CONSULTANT shall provide proof of the following endorsements, listed for each policy for which endorsements are required, as outlined below:
- 7.2.1. **General Liability and pollution liability (when pollution liability applies).**
- 7.2.1.1. The City of Morgan Hill, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers are named as additional insureds;
- 7.2.1.2. 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,
- 7.2.1.3. Insurance shall be primary non-contributing.
- 7.2.2. **Workers Compensation.**
- If the performance of CONSULTANT'S work or service under this Agreement involves access to or activity on any property or premises owned or occupied by the CITY, including, but not limited to, CONSULTANT'S presence during site visits and meetings, then 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.
- 7.3. **Qualification of Insurers.** All insurance required pursuant to this Agreement must be issued by a company licensed and admitted, or otherwise legally authorized to carry out insurance business in the State of California, and each insurer must have a current A.M. Best's financial strength rating of "A" or better and a financial size rating of "VII" or better.
- 7.4. **Certificates.** CONSULTANT shall furnish CITY of Morgan Hill 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 the CONSULTANT's agreement with the CITY shall be canceled or materially changed except after thirty (30) days' notice by the insurer to CITY. A "material change" is a change that results in non-compliance with any insurance requirements in this section 7. Certificates, including renewal certificates, may be mailed electronically to riskmgmt@morganhill.ca.gov or delivered to the Certificate Holder address provided herein.

Certificate Holder address:

City of Morgan Hill
Attn: Risk Management
17575 Peak Avenue

8. **Non-Liability of Officials and Employees of the CITY.** No official or employee of CITY shall be personally liable for any default or liability under this Agreement.

9. **Compliance with Law.**

9.1. CONSULTANT and its officers, employees, agents, and subcontractors shall comply with all applicable laws, ordinances, administrative regulations, and permitting requirements in carrying out their obligations under this Agreement. CONSULTANT and its officers, employees, agents, and subcontractors covenant there shall be no discrimination based upon race, color, creed, religion, gender, marital status, age, sexual orientation, national origin, mental disability, physical disability, medical condition, or ancestry, in any activity pursuant to this Agreement.

9.2. Compliance with Wage and Hour Laws: Consultant, 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 CONSULTANT and/or its Subcontractors: BY SIGNING THIS AGREEMENT, CONSULTANT 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 CONSULTANT OR ITS SUBCONTRACTOR(S) HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONSULTANT 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 CONSULTANT or an subcontractor it employs to perform work under this Agreement has violated any applicable wage and hour law, or CONSULTANT learns of such a judgment, decision, or order that was not previously disclosed, CONSULTANT 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. CONSULTANT 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 CONSULTANT 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 CONSULTANT 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 CONSULTANT 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.

10. **Independent Contractor**. CONSULTANT is an independent contractor and not an agent or employee of CITY.

11. **Confidentiality**. All data, documents, or other information received by CONSULTANT from CITY or prepared in connection with CONSULTANT'S services under this Agreement are deemed confidential and shall not be disclosed to any third party by CONSULTANT without prior written consent by CITY.

12. **Conflict of Interest and Reporting**. CONSULTANT shall at all times avoid conflict of interest or appearance of conflict of interest in performance of this Agreement.

13. **Notices**. All notices shall be personally delivered or mailed, via first class mail to the below listed address. These addresses shall be used for delivery of service of process. Notices shall be effective five (5) days after date of mailing, or upon date of personal delivery.

Address of CONSULTANT is as follows:

Nayan Amin, President
4305 Hacienda Drive, Suite 550
Pleasanton, CA 94588

Address of CITY is as follows:

Adam Paszkowski	with a copy to:
City of Morgan Hill	City Clerk
17575 Peak Avenue	City of Morgan Hill
Morgan Hill, CA 95037	17575 Peak Avenue
	Morgan Hill, CA 95037

14. **Licenses, Permits and Fees**. CONSULTANT shall obtain a City of Morgan Hill Business License, all permits and licenses to the extent required by ordinances, codes and regulations of the federal, state and local government.

15. **Consultant's Proposal**. If applicable, this Agreement shall include CONSULTANT'S proposal or bid which is incorporated herein. In the event of any inconsistency between the terms of the proposal and this Agreement, this Agreement shall govern.

16. **Maintenance of Records.**

16.1. **Maintenance.** CONSULTANT shall prepare, maintain, and preserve all reports and records that may be required by federal, state, and CITY rules and ordinances related to services provided under this Agreement. CONSULTANT shall maintain records for a period of at least 3 years after receipt of final payment under this Agreement. If any litigation, claim, negotiation, audit exception, or other action relating to this Agreement is pending at the end of the 3-year period, then CONSULTANT shall retain said records until such action is resolved.

16.2. **Access to and Audit of Records.** The CITY shall have the right to examine, monitor and audit all records, documents, conditions, and activities of the CONSULTANT and its subcontractors related to services under this Agreement. Pursuant to Government Code Section 8546.7, if this Agreement involves the expenditure of public funds in excess of \$10,000, the Parties to this Agreement may be subject, at the request of the CITY or as part of any audit of the CITY, to the examination and audit of the State Auditor pertaining to matters connected with the performance of this Agreement for a period of three years after final payment under the Agreement.

16.3. **Ownership of Work Product.** All documents or other information developed or received by CONSULTANT for work performed under this Agreement shall be the property of CITY. CONSULTANT shall provide CITY with copies of these items upon demand or upon termination of this Agreement.

17. **Familiarity with Work.** By executing this Agreement, CONSULTANT represents that: (1) it has investigated the work to be performed; (2) it has investigated the site of the work and is aware of all conditions there; and (3) it understands the difficulties and restrictions of the work under this Agreement. Should CONSULTANT discover any conditions materially differing from those inherent in the work or as represented by CITY, it shall immediately inform CITY and shall not proceed, except at CONSULTANT'S risk, until written instructions are received from CITY.

18. **Time of Essence.** Time is of the essence in the performance of this Agreement.

19. **No Assignment.** Neither this Agreement nor any portion shall be assigned by CONSULTANT, without prior written consent of CITY. Any attempted assignment not first approved by CITY shall be void and, at CITY's option, shall terminate this Agreement effective as of the date of such attempted assignment.

20. **Attorney Fees.** In any legal action, dispute or arbitration arising out of or relating to this Agreement, the prevailing party shall be entitled to an award of its reasonable attorney fees, costs and expenses incurred.

21. **Defense and Indemnification.**

21.1. **Defense and Indemnification.** CONSULTANT shall, to the fullest extent permitted by law, indemnify, defend and hold harmless CITY, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers ("INDEMNITEES") from and against any and all claims, liabilities, expenses, liens, or damages of any nature, including liability for bodily injury, property damage or personal injury, and including reasonable attorneys' fees and expenses, that arise out of, pertain to, or relate to the performance of this Agreement or the failure to comply with any obligations contained in this Agreement by CONSULTANT, and/or its agents, officers, employees, subcontractors, or independent contractors ("CLAIM").

21.2. Exceptions. CONSULTANT is not required to indemnify INDEMNITEES against liability for bodily injury, property damage or personal injury, or any other loss, damage or expense arising from the sole negligence or willful misconduct of the CITY.

21.3. Not limited by insurance. The indemnity, defense and hold harmless provisions of this Agreement apply to all CLAIMs alleged against an INDEMNITEE, regardless of whether any insurance policies are applicable. Policy limits do not act as a limitation upon the amount of indemnification or defense to be provided by CONSULTANT.

21.4. Right to Offset. CITY shall have the right to offset against any compensation due CONSULTANT under this Agreement any amount due CITY from CONSULTANT as a result of CONSULTANT's failure to pay CITY promptly any indemnification arising under this Section (21) and any amount due CITY from CONSULTANT arising from CONSULTANT's failure either to (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.

21.5. Interpretation. This Section shall constitute an agreement or contract of indemnity, incorporating the interpretations under California Civil Code Section 2778. It is expressly understood and agreed that the obligation of the CONSULTANT to indemnify the INDEMNITEE shall be as broad and inclusive as permitted by the laws of the State of California and shall survive termination of this Agreement.

22. **Entire Agreement; Modification; Conflicting Provisions.** This Agreement constitutes the entire Agreement between the Parties and supersedes any previous agreements, oral or written. This Agreement may be modified or provisions waived only by a subsequent mutual written agreement executed by CITY and CONSULTANT. If the provisions contained in the main body of this Agreement conflict with any provision contained in an exhibit to this Agreement, the provisions of the main body of this Agreement shall govern and control over any provision contained in an exhibit to this Agreement.

23. **Governing Law and Venue.** This Agreement shall be construed in accordance with the laws of the State of California. This Agreement was entered into and is to be performed in the County of Santa Clara. Any action or dispute arising out of this Agreement shall only be brought in Santa Clara County.

24. **Interpretation.** This Agreement is a negotiated document and shall be deemed to have been drafted jointly by the Parties, and no rule of construction or interpretation shall apply against any particular Party based on a contention that the Agreement was drafted by one of the Parties including, but not limited to, California Civil Code § 1654, the provisions of which are hereby waived. This Agreement shall be construed and interpreted in a neutral manner.

25. **Preservation of Agreement.** If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the rest of the Agreement shall remain in full force and effect and shall in no way be affected or invalidated.

26. **Binding Agreement.** Notwithstanding the provisions of Section 19 above, this Agreement shall bind any and all successors in interest, legal representatives and/or other permitted assignees or transferees of CONSULTANT in the same manner as if those successors in interest, legal representatives or other permitted assignees or transferees had entered into this Agreement originally.

27. ☐ **Data Sharing.** This Agreement requires access by CONSULTANT to CITY's Geographic Information System (GIS) DATA for CONSULTANT to perform the work. CITY agrees to provide the GIS

DATA to CONSULTANT solely for the purpose of performance of contracted work with the CITY upon the terms and conditions specified in Exhibit D, incorporated herein by this reference.

[Signatures on Next Page]

28. **Authority to Execute.** Those individuals who are signing this Agreement on behalf of entities represent and warrant that they are, respectively, duly authorized to sign on behalf of the entities and to bind the entities fully to each and all of the obligations set forth in this Agreement.

IN WITNESS THEREOF, these Parties have executed this Agreement on the day and year shown below.

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.

ATTEST:

CITY OF MORGAN HILL

City Clerk/Deputy City Clerk

City Manager

Michelle Bigelow
Print Name

Christina J. Turner
Print Name

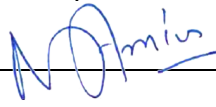
Date: _____

Date: _____

APPROVED AS TO FORM:

TJKM Transportation Consultants

City Attorney

By: 

Donald A. Larkin
Print Name

Nayan Amin
Print Name and Title of Signer.
If Corporate: Chairman, President or
Vice President

Date: _____

Date: 11/29/21

By: 

Ruta Jariwala
Print Name and Title of Signer.
If Corporate: Secretary, Assistant
Secretary, Chief Financial Officer or
Assistant Treasurer

Date: 11/29/21

EXHIBIT A SCOPE OF SERVICES

- **Refine the Scope of Work to include any and all services necessary to achieve the project's intent of providing for SB743 implementation that is tailored to the needs and interests of the City of Morgan Hill.**
- **Evaluate various methodologies and develop a procedure for the City of Morgan Hill to identify VMT, related impacts, including the review and use of available tools for VMT estimation and available travel demand forecasting models.**
- **Review the Travel Model without the use of additional data. In this task, TJKM will do a quick QA/QC of the travel model that is being used to produce VMT metrics. The main focus of this review will be to understand the trip patterns to and from the city.**
- **Literature Review. Provide substantial evidence to deviate from OPR's Technical Advisory threshold of significance recommendation of 15% reduction from existing VMT. TJKM will do a thorough literature review and identify cities that deviated from OPR's recommendation and make a case for why Morgan Hill should fall under that category.**
- **Determine VMT thresholds of significance in compliance with CEQA Guidelines Section 15064.7 and SB743. CEQA thresholds should be based on specific parameters based on project proposal and type (rather than number of trips generated by the project). For example, the number of rooms or dwelling units, or square feet of new commercial use. As mentioned, separate VMT thresholds will be setup based on area type.**
- **Test VMT significance criteria and thresholds (identified above) for existing and proposed land uses, as described in the City's General Plan and/or Municipal Code;**
- **Identify feasible mitigation measures to reduce VMT by project type and/or develop a methodology to calculate the reduction in impacts; TJKM has recently developed a VMT Mitigation Calculation Tool for Napa County and cities. This lists several project-related and community related mitigation measures. TJKM will use and the VTA Mitigation Tool as a starting point and add more measures if necessary.**
- **Tailor the Santa Clara VMT Evaluation Tool for the city of Morgan Hill to assess VMT project-specific and cumulative impacts for development proposals within the City.**
- **Create a simple and comprehensive user guide that describes, in nontechnical language, the newly created VMT criteria and thresholds, including the types of traffic studies that may be needed for typical development proposals.**
- **Provide training to City staff on VMT thresholds and implementation tools, and tracking methodology for effectiveness of VMT reduction strategies.**
- **A robust community engagement strategy including in-person and virtual attendance, at Planning Commission and City Council public meetings/workshops, during key stages of the project.**

EXHIBIT B

TJKM Transportation Consultants

	Labor						ODCs	Total
Task Description	PIC & QA/QC	Project Manager	Transportation Planner	Assistant Transportation Planner	Total Hours	Total Labor Costs	Other Direct Costs	Total Fee
	Nayan Amin	Vamsee Modugula	Arthur Chen	Divya Gandhi				
	\$250	\$230	\$120	\$115				
Project Initiation								
Refine Scope of Work	4	16			20	\$4,680		\$4,680
Evaluate Various Methodologies for VMT								
Review Existing Travel Model Procedures		40	30	15	85	\$14,525		\$14,525
Optional Task - Use Big Data to Update Model					0	\$0		\$0
Setup VMT Thresholds								
Literature Review		40	25		65	\$12,200		\$12,200
Develop VMT Thresholds		40	10		50	\$10,400		\$10,400
Test VMT Criteria on Landuses from General Plan		10	10	10	30	\$4,650		\$4,650
Mitigation Measures		20	10	10	40	\$6,950		\$6,950
VMT Evaluation Tool		20	10		30	\$5,800		\$5,800
Documentation		8	8		16	\$2,800		\$2,800
Training		16	10		26	\$4,880		\$4,880
Community Engagement	15	40			55	\$12,950		\$12,950
Proposal Subtotal	19	250	113	35	417	\$79,835	0	\$79,835

EXHIBIT C

TJKM will complete this project in accordance with the schedule shown below.

Task	Description	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22
1	Task 1.0: Project Initiation						
2	Task 2.0: Evaluate Various Methodologies for VMT						
3	Setup VMT Thresholds						
3.1	Literature Review						
3.2	Develop VMT Thresholds						
3.3	Test VMT criteria on landuses from General Plan						
3.4	Mitigation Measures						
3.5	VMT Evaluation Tool						
3.6	Documentation						
3.7	Training						
3.8	Community Engagement						
Memos / Reports							
Task 1	Revised Scope						
Task 2	Technical Memorandum on Model Review						
Task 3.1	Memo on literature review						
Task 3.2	Draft Memo on VMT Thresholds						
Task 3.3	Memo on General Plan Landuse impact analysis						
Task 3.4	Memo on Mitigation Measures						
Task 3.5	Memo on VMT Evaluation Tool						
Task 3.6	Final Documentation, User's guide						
Task 3.7	Training sessions / material						
Task 3.8	Final Memo on VMT Thresholds based on comments from Community events						

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Dat Nguyen, Finance Director

APPROVED BY: City Manager

ADOPT NEW AND UPDATED FEES FOR PLANNING AND LAND DEVELOPMENT ENGINEERING, AND APPROVE FUNDING OF TWO ASSISTANT/ASSOCIATE ENGINEER POSITIONS

RECOMMENDATION(S)

1. Open/Close Public Hearing;
2. Adopt resolution establishing the updated Planning and Land Development Engineering Fees as proposed in the 2021 NBS Comprehensive Fee Study of Planning and Land Development Engineering; and
3. Approve funding for two Assistant/Associate Engineer positions.

Estimated Time: 30 Minutes

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Preserving and Cultivating Public Trust

2020-2021 Strategic Priorities

Fiscal Sustainability

REPORT NARRATIVE:

The California Government Code allows cities to recover all or a portion of the cost of providing exchange-based services through the application of fees. In November 2020, the City contracted with NBS Government Finance Group (NBS) to complete a review and evaluation of Planning and Land Development Engineering fees associated with Development Services activities. Building fees were not included in this study. The user fee study is attached for your reference.

Development user fees reflect the cost to review and process applications and approvals required for new construction, including associated public infrastructure, rehabilitation, and tenant improvements. The fees collected include compensation for time, noticing and meetings, and include planning, building, and engineering services. These activities are intended to be 100% cost recovery, and therefore must be periodically reviewed to account for changes in

personnel costs, overhead, internal service charges, and costs for supplies, technology, and services. In addition, recent housing legislation has altered the City's reviewing and approval process, necessitating a review of Development Services fees.

Analysis

The proposed fee schedules included within the NBS report detail the type of fee, the full cost of providing the service related to that fee, the current fee, and the recommended fee based on 100% cost recovery – with the exception of 7 outliers discussed in the following paragraph. A limited number of fees show a proposed decrease over the current fee being assessed. This reflects the current cost of providing those services.

Outliers

While 100% cost recovery is the goal of the special revenue fund, there are instances when a lower recovery amount may be considered. Staff has identified several “outlier” fees for homeowners and non-profits where the cost of service would result in a prohibitive increase. These “outliers” exist exclusively in the Planning User Fee Study Results and have been subsidized for a number of years. For instance, full cost recovery on Planning Division fee 27.5 “Temporary Use Permit” for Non-Profit users is \$4,124. The current fee is \$100. This is an increase of 4,024%. City Council may want to consider setting outlier fees at a lower cost recovery amount to encourage participation to achieve other important policy considerations.

The table below details where staff recommends consideration of a fee lower than full cost recovery:

Planning Fee Number & Name	Current Fee	100% Cost Recovery	Percentage Increase	Proposed Fee
2.2 Public Appeal Fee				
Staff Decision	\$544	\$8,316	1429%	\$544
Commission/Council Decisions	\$544	\$6,802	1150%	\$544
20 Residential Private Livestock Permit	\$761	\$2,113	178%	\$761
25 Tree Removal	\$109	\$1,350	1138%	\$109
27.1 Administrative Use Permit	\$1,201	\$7,130	494%	\$1,201
27.5 Temp. Use Permit (Non-Profit)	\$100	\$4,124	4024%	\$100
27.6 Temp. Use Permit Amendment	\$1,196	\$3,067	156%	\$1,196

Comparisons to other Cities

The study also compared the proposed fees with five other communities in Santa Clara County: Gilroy, San Jose, Santa Clara City, Sunnyvale, and Palo Alto. At full cost recovery, fees are either lower or in line with other communities except for tree removal, administrative and conditional use permits for Planning. As for Land Development Engineering, fees are higher for projects of \$200,000 or lower and in line for projects over \$200,000 at full cost recovery.

Funding for Two Additional Assistant/Associate Engineer Positions

Due to elevated workload in the Land Development Engineering Division, which does not seem to lessen in the near future, as well as continued use of high-cost outside consultants, the study includes the funding of two additional Assistant/Associate Engineer positions. Staff is recommending the City Council approve the funding of these two additional flexible

Assistant/Associate Engineer positions. These positions will be funded by the proposed increase in fees and reduction in the use of outside consultants, with the timing of hiring dependent on the City Council approval of the proposed fee increase as well as workload.

COMMUNITY ENGAGEMENT:

Public Notices related to development fee consideration by the City Council have been distributed and advertised in accordance with the provisions of Sections 66016 through 66018 of the California Government Code.

A virtual public meeting with the developers and community members was held on January 6, 2022.

ALTERNATIVE ACTIONS:

City Council can choose to adopt the full cost recovery level fees or at a lower than cost recovery level.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

None.

FISCAL AND RESOURCE IMPACT:

The annual impact on the Development Services Special Revenue Fund is anticipated to be an increase in revenue that will recoup more of the reasonable costs for providing a given service. There is sufficient funding to fund the new positions for the remainder of FY 2021-22. Future funding for the positions will be presented to the City Council during the next budget cycle.

Should Council adopt the proposed fee schedule on January 19, 2022, new fees would go into effect on March 21, 2022.

CEQA (California Environmental Quality Act):

Not a Project.

The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

CITY OF MORGAN HILL

Report for:

Comprehensive Fee Study of Planning and Land Development Engineering

December 13, 2021

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

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Cost of Service Analysis (Fee Tables)

 Planning Division

Appendix A.1

 Engineering Land Development Division

Appendix A.2

Comparative Fee Survey

 Planning Division

Appendix B.1

 Engineering Land Development Division

Appendix B.2

1. EXECUTIVE SUMMARY

NBS performed a Comprehensive Fee Study of Planning and Land Development Engineering (Study) for the City of Morgan Hill. The purpose of this report is to present the findings and recommendations of the various fee analyses performed as part of the Study and provide the City with the information needed to update and establish user and regulatory fees for service. Throughout the process, the Study afforded much effort to ensure that not only are the fees and charges reasonable and equitable, but that they also meet industry standards and uphold the statutory requirements of the State of California.

California cities, counties, and special districts may impose user and regulatory fees for services and activities they provide through provisions set forth in the State Constitution, Article XIII C § 1. Under this legal framework, a fee may not exceed the reasonable cost of providing the service or performing the activity. For a fee to qualify as such, it must relate to a service or activity performed at the request of an individual or entity upon which the fee is imposed, or their actions specifically cause the local government agency to perform additional activities. In this instance, the service or underlying action causing the local agency to perform the service is either discretionary and/or is subject to regulation. As a discretionary service or regulatory activity, the user fees and regulatory fees considered in this Study fall outside of the definition and statutory requirement to impose general taxes, special taxes, and fees a result of property ownership.

The City's main reason for conducting this Study was twofold: (1) first, to ensure that existing fees do not exceed the costs of service, and (2) second, to provide an opportunity for City Council to re-align fee amounts with the adopted cost recovery policies.

1.1 Findings

This Study examined user and regulatory fees managed by the City's Planning and Engineering Land Development divisions. The Study identified an estimated \$2.02 million in eligible costs for recovery from fees for service compared to approximately \$1.52 million the City is currently collecting each year from fees. The following table provides a summary of the Study's results:

Table 1. Report Summary

Fee Category	Annual Estimated Revenues at Current Fee	Annual Estimated Revenues at Full Cost Recovery Fee	Annual Cost Recovery Surplus/ Deficit	Existing Cost Recovery Percentage
Planning	\$917,815	\$1,225,157	(\$307,342)	75%
Engineering Land Development	\$598,115	\$795,015	(\$196,900)	75%
Total	\$ 1,515,930	\$ 2,020,172	\$ (504,242)	75%

As shown in Table 1 above, the City is recovering approximately 75% of the costs associated with providing user and regulatory fee-related services. Should Council adopt fees at 100% of the full cost recovery amounts determined by this Study, an additional \$504,000 in costs could be recovered.

However, as Section 2.2.3 later explains, there may be other local policy considerations that support adopting fees at less than the calculated full cost recovery amount. Since this element of the Study is subjective, NBS provided the maximum potential of fee amounts at 100% full cost recovery for the City to consider. Once City Council has reviewed and evaluated the results of the Study, the City can set appropriate cost recovery levels according to local policy goals and considerations.

1.2 Report Format

This report documents the analytical methods and data sources used in the Study, presents findings regarding current levels of cost recovery achieved from user and regulatory fees, and provides a comparative survey of fees to neighboring agencies for similar services. The report is organized into the following sections:

- o Section 2 - Outlines the general framework, approach, and methodology of the Fee Study.
- o Sections 3 through 4 - Discusses the results of the cost of service analysis performed by department and/or fee program. The analysis applied considers: (1) the fully burdened hourly rate(s); (2) the calculation of the costs of providing service; and, (3) the cost recovery policies of each fee category.
- o Section 5 - Presents the conclusions of the analysis provided in the preceding sections.
- o Appendices to this report - Include additional details of the analysis performed and a comparison of the fees imposed by neighboring agencies for similar services.

2. INTRODUCTION AND FUNDAMENTALS

2.1 Scope of Study

The following is a summary of the fees evaluated during the Study:

- o Planning Division services for zoning, permitted uses, and other processing requests
- o Engineering Land Development Division, including:
 - Final map review and approval
 - Plan Check and Inspection for improvements within the right-of-way
 - Encroachment permits

The fees examined in this report specifically exclude development impact fees, utility rates, and any special tax assessments which fall under a different set of statutory and procedural requirements from the body of user and regulatory fees analyzed in this Study. The Study also excludes facility and equipment rental rates, as well as most fines and penalties imposed by the City for violations of its requirements or codes.¹

2.2 Methods of Analysis

Three phases of analysis were completed for each City department, division or section studied:

Primary Components of a Fee Study



2.2.1 COST OF SERVICE ANALYSIS

This cost of service analysis is a quantitative effort that compiles the full cost of providing governmental services and activities. There are two primary types of costs considered: direct and indirect costs. Direct costs are those that specifically relate to an activity or service, including the real-time provision of the service. Indirect costs are those that support the provision of services in general but cannot be directly or easily assigned to a singular activity or service.

Direct Costs:

- o **Direct personnel costs** – Salary, wages and benefits expenses for personnel specifically involved in the provision of services and activities to the public.

¹ According to the California Constitution Article XII C § 1 (e) (4) and (5), the City is not limited to the costs of service when charging for entrance to or use of government property, or when imposing fines and penalties.

- o **Direct non-personnel costs** – Discrete expenses attributable to a specific service or activity performed, such as contractor costs, third-party charges, and materials used in the service or activity.

Indirect Costs:

- o **Indirect personnel costs** – Personnel expenses supporting the provision of services and activities. This can include line supervision and departmental management, administrative support within a department, and staff involved in technical support activities related to the direct services provided to the public.
- o **Indirect non-personnel costs** – Expenses other than labor involved in the provision of services. In most cases, these costs are allocated across all services provided by a department, rather than directly assigned to individual fee/rate categories.
- o **Overhead costs** – These are expenses, both labor and non-labor, related to agency-wide support services. Support services include general administrative services such as City Manager, Finance, Human Resources, etc. The amount of costs attributable to the departments or divisions included in this Study were sourced from the City's Operating Budget.

All cost components in this Study use annual (or annualized) figures, representing a twelve-month cycle of expenses incurred by the Division in the provision of all services and activities City-wide.

Nearly all the fees reviewed in this Study require specific actions on the part of City staff to provide the service or conduct the activity. Since labor is the primary underlying factor in these activities, the Study expresses the full cost of service as a fully burdened cost per labor hour. NBS calculated a composite, fully burdened, hourly rate for each department, division, program, or activity applicable to the specific organization and needs of each area studied. This rate serves as the basis for further quantifying the average full cost of providing individual services and activities. Determining the fully burdened labor rate for each department, and the various functional divisions within a department, requires two data sets: (1) the full costs of service, and (2) the number of staff hours available to perform those services. NBS derived the hours available based on the complete list of all City employees and/or available service hours of its contracted professionals (where applicable).

The City supplied NBS with the total number of paid labor hours for each employee involved in the delivery of services included in this Study. These available hours represent the amount of productive time available to provide both fee-recoverable and non-fee recoverable services and activities. Available labor hours divided into the annual full costs of service equal the composite, fully burdened, labor rate. Some agencies may also use the resulting rates for purposes other than setting fees, such as calculating the full cost of general services or structuring a cost recovery agreement with another agency or third party.

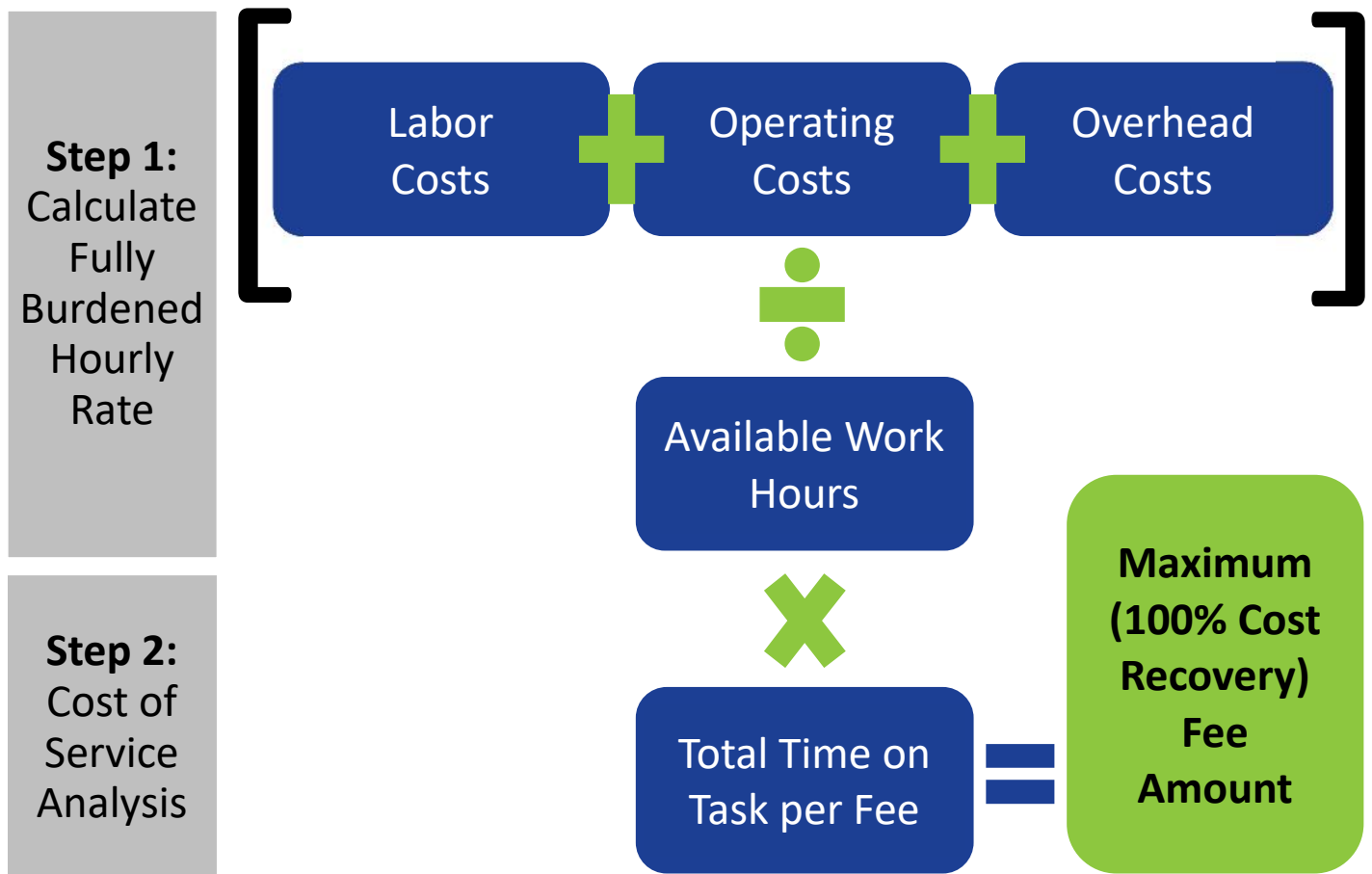
NBS also assisted the City in estimating the staff time for the services and activities listed in the City's fee schedule. Time tracking records for the fee programs studied as part of this analysis, when available, proved useful in identifying time spent providing general categories of service (e.g., division administration, plan review, inspection, public information assistance, etc.). However, the City does not systematically track the service time of activities for all departments or all individual fee-level services provided. Therefore, NBS also relied on interviews and questionnaires to develop the necessary data sets

of estimated labor time. In many cases, the City provided estimates of the average amount of time (in minutes and hours) it took to complete a typical service or activity considered on a per-occurrence basis.

It should be noted that the development of these time estimates was not a one-step process but required careful review by both NBS and department managers to assess the reasonableness of such estimates.

Based on the results of this review, the City reconsidered its time estimates until all parties were comfortable that the fee models reasonably reflected the average service level provided by the City.

Finally, the fully burdened labor rate(s) calculated in earlier steps were applied at the individual fee level time estimates, yielding an average total cost of providing each fee for service or activity. The graphic below provides a visual representation of the steps discussed in this section.



2.2.2 FEE ESTABLISHMENT

The fee establishment process includes a range of considerations, including the following:

- o **Addition to and deletion of fees** – The Study provided each department with the opportunity to propose additions and deletions to their current fee schedules, as well as re-name, re-organize, and clarify which fees were to be imposed. Many of these fee revisions allowed for better adherence to current practices, as well as the improvement in the calculation, application, and collection of the fees owed by an individual. Some additions to the fee schedule were simply the identification of existing services or activities performed by City staff for which no fee is currently charged.
- o **Revision to the structure of fees** – In most cases, the focus was to re-align the fee amount to match the costs of service and leave the current structure of fees unchanged. However, in several cases, fee categories and fee names had to be simplified or re-structured to increase the likelihood of full cost recovery or to enhance the fairness of how the fee is applied to the various types of fee payers.
- o **Documentation of the tools used to calculate special cost recovery** – The City’s fee schedule should include the list of fully burdened rates developed by the Study. Documenting these rates in the fee schedule provides an opportunity for the City Council to approve rates for cost recovery under a “time and materials” approach. It also provides clear publication of those rates so that all fee payers can readily reference the basis of any fee amounts. The fee schedule should provide language that supports special forms of cost recovery for activities and services not included in the adopted master fee schedule. In these rare instances, published rates are used to estimate a flat fee or bill on an hourly basis, which is at the department director’s discretion.

2.2.3 COST RECOVERY EVALUATION

The NBS fee model compares the existing fee for each service or activity to the average total cost of service quantified through this analysis. Here are the possible outcomes of the fee analysis:

- o Cost recovery rate of 0% - This signifies that there is currently no current recovery of costs from fee revenues (or insufficient information available for evaluation).
- o Cost recovery rate of 100% - This means that the fee currently recovers the full cost of service.
- o Cost recovery rate between 0% and 100% - This indicates partial recovery of the full cost of service through fees.
- o Cost recovery rate greater than 100% - This means that the fee exceeds the full cost of service. User fees and regulatory fees should not exceed the full cost of service.

In all cases, the cost recovery rate achieved by a fee should not be greater than 100%. In most cases, imposing a fee above this threshold could change the definition of the charge from a cost of service based fee to a tax which has other procedural requirements, such as ballot protest or voter approval.

This report provides the City with the 100% full cost recovery fee calculation. The City can use the results to implement each fee at 100% or less based upon its broader local policy goals.

2.2.4 COMPARATIVE FEE SURVEY

Appendix B presents the results of the Comparative Fee Survey for the City. Policy makers often request a comparison of their jurisdictional fees to those of surrounding or similar communities. The purpose of a comparison is to provide a sense of the local market pricing for services, and to use that information to gauge the impact of recommendations for fee adjustments.

In this effort, NBS worked with the City to choose five comparative agencies – Gilroy, Palo Alto, San Jose, Santa Clara and Sunnyvale. It is important to keep the following in mind when interpreting the general approach to, and use of, comparative survey data:

- o Comparative surveys do not provide information about cost recovery policies or procedures inherent in each comparison agency.
- o A “market-based” decision to price services below the full cost of service calculation is the same as deciding to subsidize that service.
- o Comparative agencies may or may not base their fee amounts on the estimated and reasonable cost of providing services. NBS did not perform the same level of analysis of the comparative agencies’ fees.
- o The results of comparative fee surveys are often non-conclusive for many fee categories. Comparison agencies typically use varied terminology for the provision of similar services.

NBS made every reasonable attempt to source each comparison agency’s fee schedule from their respective websites and compile a comparison of fee categories and amounts for the most readily comparable fee items that match the City’s existing fee structure.

2.2.5 DATA SOURCES

The following data sources were used to support the cost of service analysis and fee establishment phases of this Study:

- o The City’s Adopted Budget for Fiscal Year 2021-22
- o A complete list of all City personnel, salary/wage rates, regular hours, paid benefits, and paid leave amounts provided by the Finance Department
- o Prevailing fee schedules
- o Annual workload data provided by each department and/or fee program evaluated in the Study

The City’s adopted budget serves as an important source of information that affects the cost of service results. NBS did not audit or validate the City’s financial documents and budget practices, nor was the cost information adjusted to reflect different levels of service or any specific, targeted performance benchmarks. This Study accepts the City’s budget as a legislatively adopted directive describing the most appropriate and reasonable level of City spending. NBS consultants accept the City Council’s deliberative process and the City’s budget plan and further assert that through this legislative process, the City has yielded a reasonable and valid expenditure plan to use in setting cost-based fees.

3. PLANNING DIVISION

The The Planning Division performs a variety of services intended to protect, maintain, and develop an attractive, safe, and healthy environment. Responsibilities include:

- o Property development and land use activities occurring in the City
- o Provide direction and leadership in implementing the goals, objectives, and policies of the General Plan as adopted by the City Council
- o Orderly development of the City and the administration of various land use regulations, including the zoning code, design review ordinances, sign code, and the cultural resources preservation ordinance.
- o Technical assistance and staff support to the Planning Commission.

3.1 Cost of Service Analysis

The following table shows the Planning Division's estimated full cost of providing services on an annual basis and the fully burdened cost per hour developed for cost recovery purposes through fees for services.

Table 2. Fully Burdened Hourly Rate

Expenditure Type	Functional Activities / Cost Pools			
	Public Counter / General Information	Strategic Initiatives / Special Projects	Current Planning - Direct Services	Total
Labor	\$ 294,568	\$ 22,909	\$ 511,080	\$ 828,557
Recurring Non-Labor	78,726	31,123	136,590	246,438
Citywide Overhead	74,723	5,811	129,645	210,179
Allocated Common Activities	198,579	26,525	344,538	569,642
Division Total	\$ 646,595	\$ 86,368	\$ 1,121,852	\$ 1,854,816
Cost Recovery Targeted from Fees	10%	0%	100%	64%
Amount Targeted for Consideration in Billings/Fees	\$ 64,660	\$ -	\$ 1,121,852	\$ 1,186,512
Amount Requiring Another Funding Source	581,936	86,368	-	\$ 668,304
Cost per Direct Hour Recoverable from Fees for Service	\$ 13		\$ 222	\$ 235
Overtime Rate				\$ 270
<i>Reference: Direct Hours Only</i>				5,055

As Table2 above shows, the total cost of providing services is approximately \$1.85 million per year. However, the results of the cost of service analysis identified \$1.19 million in costs for recovery from the City's fees for service with the remaining \$668,000 recommended for recovery through funding sources other than fees. All subsequent cost of service calculations at the individual fee level assume a fully burdened hourly rate of **\$235** during business hours, and **\$270** outside of business hours.

Based on interviews with Division staff, the analysis segregated the total cost of services into three primary services categories: (1) Public Counter/General Information; (2) Strategic Initiative/Special Projects; and, (3) Current Planning - Direct Permitting Services. In order to clarify the underlying costs and assumptions used to calculate the fully burdened hourly rate, here is a summary of the descriptions for each cost category:

- o **Public Counter/General Information** – Activities associated with responding to phone calls and general information requests that support the development review process. Typically, some portion of costs for the provision of general public information and assistance do not apply toward recovery from fees and are considered a basic function of governmental services to the public. Planning staff estimated that approximately 10% of these costs support land use application review activities, while the remaining costs should not be considered in the calculation of fees for services.
- o **Strategic Initiative/Special Projects** – Planning Staff participate in a variety of strategic initiative and special programs that do not apply toward recovery from fee revenues. These services are funded through a variety of sources, including the General Fund, penalties, hourly billings, or enterprise fund revenues.
- o **Current Planning - Direct Services** – The Division’s responsibilities are comprised mostly of development review and approval; therefore, 100% of these costs are recoverable from its routine fees for service.

The fully burdened hourly rate involves significant analytical and policy-related decisions regarding the inclusion of categorized activity costs. The decision to either include or exclude certain costs toward recovery in fees for service stems from the basic fee setting parameters set forth by industry standard fee calculation methods and the California State Constitution. State statutes require that any new fee that is levied or any existing fee that is increased should not exceed the estimated amount required to provide the service for which the charge is levied.

3.2 Fee Establishment

The following is a summary of the overall changes to the Planning Division’s fee schedule:

- o Deletion of fees that are no longer used or needed, such as Review of Engineering Plans which was moved to the Engineering Land Development fee schedule;
- o Reorganization of fee categories or clarification of fee names to create a more user-friendly fee structure; and,
- o Addition of new fee categories, such as Business License Zoning Review.²

In addition to the Planning Division’s costs, this analysis also includes support costs from other departments who directly review and provide comments on planning applications and user fee services. Engineering, Building, Fire, Housing and Police also participate in the review of Planning’s applications and their costs have been included with the Planning cost to show the full cost of providing Planning applications and fees. A detailed cost analysis for Engineering was performed by NBS and is provided in the next report chapter. Costs for Building, Fire, Housing and Police were provided by the City’s Finance Department.

² Refer to Section 2.2, *Methods of Analysis*, for additional discussion on the Study’s approach to adding, deleting, and revising fee categories.

3.3 Cost Recovery Evaluation

Appendix A.1 presents the results of the detailed cost recovery analysis of fees for the City's Planning Division. In the Appendix, the "Cost of Service per Activity" column establishes the maximum adoptable fee amount for the corresponding service identified in the "Fee Description" list.

Currently, the Division is recovering approximately 74% of the total cost of providing services from fees. As Table 3 shows, the City collects approximately \$918,000 per year in revenue at the current fee amounts. At full cost recovery and the same demand level for these services, the City would recover approximately \$1.2 million.

Table 3. Cost Recovery Outcomes

Fee Category	Annual Estimated Revenues at Current Fee	Annual Estimated Revenues at Full Cost Recovery Fee	Annual Cost Recovery Surplus/ Deficit	Existing Cost Recovery Percentage
Planning	\$917,815	\$1,225,157	(\$307,342)	75%

NBS provided the full cost of service information and the framework for considering fees, while those closest to the fee-paying population, the Planning Division, considered appropriate cost recovery levels at or below the full cost. Recommended fee amounts, either at or below the full cost recovery fee amount, can be found in the City's Staff Report to Council.

3.4 Comparison Survey

As discussed in section 2.2.4, Comparative Fee Survey, NBS compared the City's current list of fees to those of 5 comparison agencies selected by the City. While the results of the comparative fee surveys are often non-conclusive for many fee categories due to comparison agencies typically using varied terminology for the provision of similar services, NBS made every reasonable attempt to source each comparison agencies fee schedule.

Based on this analysis, the City's current fees are lower than the other agencies surveyed in the area(s) of: Development Agreements, Environmental Review, Subdivision Maps, and Tree Removal Permits. The fees are in line in the areas of: Design Permits, General Plan Amendments, Signs, Administrative Use Permits, and Zoning Requests. At full cost recovery, the City's fees for services such as Tree Removal Permits, Administrative and Conditional Use Permits, and Variances would be the highest of all agencies surveyed, with all other fees at full cost recovery being lower or in line with other agency fee schedules.

4. ENGINEERING LAND DEVELOPMENT DIVISION

The Engineering Land Development Division provides development review / inspection services. It oversees all construction activities that pertain to the infrastructure constructed by developers within the City. This division checks, approves, and keeps for the public record all improvement plans prepared by developers for their projects. It reviews all private land development activities for conformance with City standards, and checks and approves all maps in compliance with the Subdivision Map Act.

4.1 Cost of Service Analysis

The following table shows the Engineering Land Development Division's estimated full cost of providing services on an annual basis and the fully burdened cost per hour.

Table 4. Fully Burdened Hourly Rate

Expenditure Type	Planning - Direct Fee Related Services	Building - Direct Fee Related Services	Engineering - Direct Fee Related Services	Flood Program Admin	Public Counter Duty/Gen Info	Consultant Contract Admin	On-going Special Projects / Process Improvements	Total
Labor	\$ 48,860	\$ 88,626	\$ 761,145	\$ 16,973	\$ 51,804	\$ 13,507	\$ 15,185	\$ 915,605
Recurring Non-Labor	7,616	13,816	415,051	2,646	8,075	2,106	2,367	439,129
Citywide Overhead	3,378	6,127	52,617	1,173	3,581	934	1,050	63,294
Allocated Common Activities	14,481	26,267	297,292	5,030	15,353	4,003	4,500	343,070
Division Total	\$ 74,334	\$ 134,835	\$ 1,526,105	\$ 25,823	\$ 78,814	\$ 20,549	\$ 23,102	\$ 1,883,564
Cost Recovery Targeted from Fees	100%	100%	100%	0%	30%	90%	90%	95%
Amount Targeted for Consideration in Billings/Fees	\$ 74,334	\$ 134,835	\$ 1,526,105	\$ -	\$ 23,644	\$ 18,494	\$ 20,792	\$ 1,798,206
Amount Requiring Another Funding Source	-	-	-	25,823	55,170	2,055	2,310	\$ 85,358
Cost per Direct Hour Recoverable from Fees for Service	\$ 10	\$ 17	\$ 195	\$ -	\$ 3	\$ 2	\$ 3	\$ 230
Overtime Rate								\$ 265
Reference: Direct Hours Only								7,817

As Table above shows, the total cost of providing services is approximately \$1.88 million per year. However, the results of the cost of service analysis only identified \$1.8 million in cost for recovery from the City's fees for service with the remaining \$85,000 recommended for recovery through funding sources other than fees. All subsequent cost of service calculations at the individual fee level assume a fully burdened hourly rate of **\$230** during business hours, and **\$265** outside of business hours.

Based on interviews with Division staff, the analysis segregated the total cost of services into seven primary services categories: (1) Planning – Direct Fee Related Services; (2) Building – Direct Fee Related Services; (3) Engineering – Direct Fee Related Services; (4) Flood Program Administration; (5) Public Counter Duty/General Information; (6) Consultant Contract Administration; and, (7) On-going Special Projects/Process Improvements. In order to clarify the underlying costs and assumptions used to calculate the fully burdened hourly rate, here is a summary of the descriptions for each cost category:

- o **Planning – Direct Fee Related Services** – Engineering Staff's review and approval of the Planning Division's current planning activities and active permits. 100% of these costs are recoverable from Engineering's routine fees for service.
- o **Building – Direct Fee Related Services** – Engineering Staff's review and approval of the Building Division's active permits. 100% of these costs are recoverable from Engineering's routine fees for service.

- o **Engineering – Direct Fee Related Services** – Engineering Staff’s review and approval of Land Development permit activities. 100% of these costs are recoverable from Engineering’s routine fees for service.
- o **Flood Program Administration** – Engineering Staff’s efforts related to the City’s Floodplain Management Program to ensure private land development activities and capital improvement projects located in 100-year flood hazard areas comply with the City’s Flood Damage Prevention Ordinance which is based on the minimum construction standards of the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP)..
- o **Public Counter Duty / General Information** — Activities associated with responding to phone calls and general information requests that support the development review process. Typically, some portion of costs for the provision of general public information and assistance do not apply toward recovery from fees and are considered a basic function of governmental services to the public. Engineering staff estimated that approximately 10% of these costs support land use application review activities, while the remaining costs should not be considered in the calculation of fees for services.
- o **Consultant Contract Administration** – Engineering staff support, process and administer a number of contracts. These costs have not been included in the recovery from engineering and zoning review fees.
- o **On-going Special Projects/ Process Improvements**— Staff participate in a variety of special projects and the ongoing maintenance of the Division’s internal projects and functions. These activities do not apply toward recovery from fee revenues. These services are funded through a variety of sources, including the General Fund, penalties, hourly billings, or enterprise fund revenues.

The fully burdened hourly rate involves significant analytical and policy-related decisions regarding the inclusion of categorized activity costs. The decision to either include or exclude certain costs toward recovery in fees for service stems from the basic fee setting parameters set forth by industry standard fee calculation methods and the California State Constitution. State statutes require that any new fee that is levied or any existing fee that is increased should not exceed the estimated amount required to provide the service for which the charge is levied.

4.2 Fee Establishment

The following is a summary of the overall changes to the Engineering Land Development Division’s fee schedule:

- o Deletion of fees that are no longer used or needed;
- o Reorganization of fee categories or clarification of fee names to create a more user-friendly fee structure, such as Engineering & Inspection was changed into separate Public Improvement Plan Check and Inspection fees; and,
- o Addition of new fee categories, notated as “New” in the Current Fee column of Appendix A.2.

In addition to the Engineering Division's costs, this analysis also includes support costs from other departments who directly review and provide comments on Land Development applications and user fee services. Planning, Building, Environmental Services, Maintenance and Utilities also participate in the review of Engineering's applications and their costs have been included with the Engineering costs to show the full cost of providing Engineering applications and fees. A detailed cost analysis for Planning is provided in the previous chapter. Costs for Building, Environmental Services, Maintenance and Utilities were provided by the City's Finance Department.

4.3 Cost Recovery Evaluation

Appendix A.2 presents the results of the detailed cost recovery analysis of fees for the City's Engineering Division. In the Appendix, the "Cost of Service per Activity" column establishes the maximum adoptable fee amount for the corresponding service identified in the "Fee Description" list.

Currently, the Division is recovering approximately 75% of the total cost of providing services from fees. As Table 5 shows, the City collects approximately \$598,000 per year in revenue at the current fee amounts. At full cost recovery and the same demand level for these services, the City would recover approximately \$795,000.

Table 5. Cost Recovery Outcomes

Fee Category	Annual Estimated Revenues at Current Fee	Annual Estimated Revenues at Full Cost Recovery Fee	Annual Cost Recovery Surplus/ Deficit	Existing Cost Recovery Percentage
Engineering Land Development	\$598,115	\$795,015	(\$196,900)	75%

NBS provided the full cost of service information and the framework for considering fees, while those closest to the fee-paying population, the Engineering Division, considered appropriate cost recovery levels at or below the full cost. Recommended fee amounts, either at or below the full cost recovery fee amount, can be found in the City's Staff Report to Council.

4.4 Comparison Survey

As discussed in section 2.2.4, Comparative Fee Survey, NBS compared the City's current list of fees to those of 5 comparison agencies selected by the City. While the results of the comparative fee surveys are often non-conclusive for many fee categories due to comparison agencies typically using varied terminology for the provision of similar services, NBS made every reasonable attempt to source each comparison agencies fee schedule.

Based on this analysis, the City's current fees are lower than the other agencies surveyed for Public Improvement Plan Check & Inspection for projects \$100,000 and under, but are higher than other agencies surveyed for projects \$100,000 or higher. At full cost recovery the City's fees for projects \$200,000 or less would be higher than the other agencies surveyed, but projects over \$200,000 would be more in line. Map check fees are inline with the other agencies surveyed.

5. CONCLUSION

Based on the outcomes of the Cost of Service Analysis, Fee Establishment, and Cost Recovery Evaluation presented in this Study, the City has prepared a proposed Master Fee Schedule for implementation and included it in the City's Staff Report.

As discussed throughout this report, the intent of the proposed fee schedule is to improve the City's recovery of costs incurred to provide individual services, as well as adjust fees where the fees charged exceed the average costs incurred. Predicting the amount to which any adopted fee increases will affect City revenues is difficult to quantify. For the near-term, the City should not count on increased revenues to meet any specific expenditure plan. Experience with the revised fee amounts should be gained first before revenue projections are revised. However, unless there is some significant, long-term change in activity levels at the City, proposed fee amendments should enhance the City's cost recovery performance over time, providing it the ability to stretch other resources further for the benefit of the public at-large.

The City's Master Fee Schedule should become a living document, but handled with care:

- o A fundamental purpose of the fee schedule is to provide clarity and transparency to the public and to staff regarding fees imposed by the City. Once adopted by the City Council, the fee schedule is the final word on the amount and method in which fees should be charged and supersedes all previous fee schedules. If it is discovered that the master document is missing certain fees, those fees will eventually need to be added to the master fee schedule and should not exist outside the consolidated, master framework.
- o The City should consider adjusting these user fees and regulatory fees on an annual basis to keep pace with cost inflation. For all fees and charges, for example, the City could use a Consumer Price Index adjustment that is applied to the new fee schedule. Conducting a comprehensive user fee Study is not an annual requirement, and only becomes worthwhile over time as shifts in organization, local practices, legislative values, or legal requirements result in significant change.

As a final note, it is worth mentioning the path that fees, in general, have taken in the State of California. In recent years, there is more public demand for the precise and equitable accounting of the basis for governmental fees and a greater say in when and how they are charged. It is likely that into the future, user and regulatory fees will require an even greater level of analysis and supporting data to meet the public's growing expectations. An agency's ability to meet these new pressures will depend on the level of technology they invest in their current systems. Continuous improvement and refinement of time tracking abilities will greatly enhance the City's ability to set fees for service and identify unfunded activities in years to come.

Disclaimer: In preparing this report and the opinions and recommendations included herein, NBS has relied on a number of principal assumptions and considerations with regard to financial matters, conditions and events that may occur in the future. This information and assumptions, including the City's budgets, time estimate data, and workload information from City staff, were provided by sources we believe to be reliable; however, NBS has not independently verified such information and assumptions. While we believe NBS' use of such information and assumptions is reasonable for the purpose of this report, some assumptions will invariably not materialize as stated herein and may vary significantly due to unanticipated events and circumstances. Therefore, the actual results can be expected to vary from those projected to the extent that actual future conditions differ from those assumed by us or provided to us by others.

APPENDIX A.1

Cost of Service Analysis – Planning

No.	Fee Description	Notes	Activity Service Cost Analysis							Cost Recovery Analysis		Annual Estimated Revenue Analysis		
			Estimated Average Labor Time Per Activity (hours)						Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity	Annual Estimated Revenues	
			Plng	Eng [25]	Bldg [26]	Fire [26]	Housing [26]	Police [26]					Current Fee	Full Cost Recovery
			\$ 235	\$ 230	\$ 204	\$ 204	\$ 172	\$ 164	Total					
	PLANNING DEPARTMENT	[27]												
1	ANNEXATION		92.00	8.00	2.00	2.00	1.00	1.00	106.00	\$ 24,587	\$ 12,357	50%	0	\$ - \$ -
1.2	LAFCO Processing		120.00	n/a	n/a	n/a	n/a	n/a	120.00	\$ 28,167	\$ 10,696	38%	0	\$ - \$ -
	Plus additional fees collected by other agencies									LAFCO fee \$1,154 plus SBE fees				
2	APPEALS													
	Commission/Board Decisions													
2.1	Applicant Appeal		32.00	3.50	0.00	0.00	0.00	0.00	35.50	\$ 8,316	\$ 6,905	83%	1	\$ 6,905 \$ 8,316
2.2	Public Appeal		32.00	3.50	0.00	0.00	0.00	0.00	35.50	\$ 8,316	\$ 544	7%	0	\$ - \$ -
	Staff Decisions													
2.1	Applicant Appeal		28.00	1.00	0.00	0.00	0.00	0.00	29.00	\$ 6,802	\$ 5,699	84%	0	\$ - \$ -
2.2	Public Appeal		28.00	1.00	0.00	0.00	0.00	0.00	29.00	\$ 6,802	\$ 544	8%	0	\$ - \$ -
3	APPROVAL AMENDMENT													
3.1	Major Approval Amendment (Non Admin - s/b Major)		30.50	19.00	2.00	2.00	1.00	1.00	55.50	\$ 12,682	\$ 8,209	65%	3	\$ 24,627 \$ 38,046
3.2	Minor Approval Amendment (Admin - s/b Minor)	[7]	18.00	10.00	1.00	1.00	0.50	0.50	31.00	\$ 7,101	\$ 4,505	63%	2	\$ 9,010 \$ 14,203
4	CC&Rs													
4.1	CC&Rs		2.00	3.00	0.00	0.00	0.00	0.00	5.00	\$ 1,160	\$ 522	45%	0	\$ - \$ -
	Plus City Attorney Fees									Actual Cost				
4.2	Other Agreements / Documents Review		2.00	n/a	0.00	0.00	0.00	0.00	2.00	\$ 469	\$ 522	111%	0	\$ - \$ -
	Plus City Attorney Fees									Actual Cost				
5	CONTRACT PLANNING SERVICES	[1]												
	Consultant Portion									Actual Cost				
	City's Portion									15%				
	GIS/Tech									5%				
6	CULTURAL RESOURCES													
6.1	Alteration (Major - \$10,000+ valuation) (plus Planning Commission costs)	[12]	21.50	n/a	0.00	0.00	0.00	0.00	21.50	\$ 5,047	\$ 1,304	26%	0	\$ - \$ -
6.2	Alteration (Minor - under \$10,000 valuation) (plus Planning Commission costs)	[11]	1.50	n/a	0.00	0.00	0.00	0.00	1.50	\$ 352	\$ 391	111%	0	\$ - \$ -
6.3	Demolition or Relocation (Formerly Alteration)		21.50	3.00	0.00	0.00	0.00	0.00	24.50	\$ 5,737	\$ 5,719	100%	0	\$ - \$ -
6.4	Designation		32.00	n/a	0.00	0.00	0.00	0.00	32.00	\$ 7,511	\$ 8,348	111%	0	\$ - \$ -

Cost Estimation for Providing Fee Related Activities and Services

No.	Fee Description	Notes	Activity Service Cost Analysis							Cost Recovery Analysis		Annual Estimated Revenue Analysis		
			Estimated Average Labor Time Per Activity (hours)						Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity	Annual Estimated Revenues	
			Plng	Eng [25]	Bldg [26]	Fire [26]	Housing [26]	Police [26]					Current Fee	Full Cost Recovery
			\$ 235	\$ 230	\$ 204	\$ 204	\$ 172	\$ 164	Total					
7	DESIGN PERMIT													
7.1	Landscape Plan Review Only		10.00	n/a	0.00	0.00	0.00	0.00	10.00	\$ 2,347	\$ 2,609	111%	0	\$ - \$ -
7.2	Non-Residential Design Permit (Major)	[9]	40.00	31.00	2.00	2.00	0.00	0.50	75.50	\$ 17,418	\$ 7,968	46%	12	\$ 95,616 \$ 209,020
7.3	Non-Residential Design Permit (Minor)		24.00	15.00	1.00	1.00	0.00	0.50	41.50	\$ 9,574	\$ 4,917	51%	4	\$ 19,668 \$ 38,296
7.4	Plan Detail Review (misc. site details, e.g., lighting, trash encl.)		8.42	n/a	0.00	0.00	0.00	0.00	8.42	\$ 1,976	\$ 2,198	111%	0	\$ - \$ -
7.5	Residential Design Permit - 6 units or less		32.00	15.00	1.00	1.00	1.00	0.50	50.50	\$ 11,624	\$ 7,446	64%	2	\$ 14,892 \$ 23,248
7.6	Residential Design Permit - 7 units to 15 units		38.00	21.00	1.00	1.00	1.00	0.50	62.50	\$ 14,412	\$ 9,494	66%	1	\$ 9,494 \$ 14,412
7.7	Residential Design Permit - 16 or more units each additional 25 units	[8]	47.00	25.00	2.00	2.00	2.00	1.00	79.00	\$ 18,107	\$ 11,803	65%	6	\$ 70,818 \$ 108,643
7.8	Site Plan Only (no new square footage)		16.00	11.00	0.00	0.00	0.00	0.00	27.00	\$ 6,286	\$ 6,102	97%	0	\$ - \$ -
8	DESIGN REVIEW (PRELIMINARY PLAN REVIEW)	[21]												
8.1	Conceptual Plan Review (Staff)		17.50	6.00	1.00	1.00	1.00	1.00	27.50	\$ 6,232	\$ 4,603	74%	5	\$ 23,015 \$ 31,160
8.2	Non-Residential (Major) Preliminary Plan Review to PC		30.00	10.00	1.00	1.00	0.00	1.00	43.00	\$ 9,914	\$ 8,490	86%	2	\$ 16,980 \$ 19,828
8.3	Non-Residential (Minor) Preliminary Plan Review to PC	[9]	20.00	7.00	1.00	1.00	0.00	1.00	30.00	\$ 6,877	\$ 5,438	79%	0	\$ - \$ -
8.4	Residential SB330 Preliminary Application Review (staff)		42.00	9.00	1.00	1.00	1.00	1.00	55.00	\$ 12,673	\$ 11,437	90%	6	\$ 68,622 \$ 76,037
8.5	Residential - 6 units or less Preliminary Plan Review to PC		20.00	9.00	1.00	1.00	1.00	1.00	33.00	\$ 7,509	\$ 5,359	71%	0	\$ - \$ -
8.6	Residential - 7 units or more Preliminary Plan Review to PC	[8]	30.00	13.00	1.00	1.00	1.00	1.00	47.00	\$ 10,776	\$ 8,191	76%	1	\$ 8,191 \$ 10,776
9	DEVELOPMENT AGREEMENT/RDCS	[13]												
9.1	Non Residential Development Agreement	[14]	52.00	n/a	0.00	0.00	0.00	0.00	52.00	\$ 12,206	\$ 7,043	58%	2	\$ 14,086 \$ 24,412
	Residential Development Agreement													
9.2	Filed Concurrent with Other Entitlement Applications	[15]	52.00	n/a	0.00	0.00	0.00	0.00	52.00	\$ 12,206	\$ 10,957	90%	0	\$ - \$ -
9.3	Filed Alone - Non Concurrent with Other Applications (Includes RDCS Compliance Monitoring 0 - 3 Yrs.)	[16]	57.00	n/a	0.00	0.00	0.00	0.00	57.00	\$ 13,379	\$ 12,261	92%	0	\$ - \$ -
9.4	RDCS Compliance Monitoring - each year after 3 years		10.00	n/a	0.00	0.00	0.00	0.00	10.00	\$ 2,347	\$ 2,609	111%	0	\$ - \$ -
10	ENVIRONMENTAL REVIEW (CEQA)													
10.1	Environmental Impact Report		92.00	19.00	0.00	0.00	0.00	0.00	111.00	\$ 25,966	\$ 22,120	85%	0	\$ - \$ -
10.2	Expanded Initial Study		52.00	12.00	0.00	0.00	0.00	0.00	64.00	\$ 14,966	\$ 16,221	108%	19	\$ 308,199 \$ 284,359
10.3	Historic Assessments - Historical Consultant (Deposit)	[17]									Actual Cost			
10.4	Historic Assessments - Staff-level	[17]	10.00	10.00	0.00	0.00	0.00	0.00	20.00	\$ 4,648	\$ 2,609	56%	0	\$ - \$ -

No.	Fee Description	Notes	Activity Service Cost Analysis							Cost Recovery Analysis		Annual Estimated Revenue Analysis		
			Estimated Average Labor Time Per Activity (hours)						Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity	Annual Estimated Revenues	
			Plng	Eng [25]	Bldg [26]	Fire [26]	Housing [26]	Police [26]					Current Fee	Full Cost Recovery
			\$ 235	\$ 230	\$ 204	\$ 204	\$ 172	\$ 164	Total					
10.5	Initial Environmental Assessment	[2]	8.00	1.00	0.00	0.00	0.00	0.00	9.00	\$ 2,108	\$ 2,308	109%	0	\$ - \$ -
10.6	Mitigation Monitoring and Reporting Program (Per Year)	[6, 18]	5.00	n/a	0.00	0.00	0.00	0.00	5.00	\$ 1,174	\$ 1,304	111%	0	\$ - \$ -
11	EXTENSION OF TIME FOR APPROVALS													
11.1	Administrative		8.50	n/a	0.00	0.00	0.00	0.00	8.50	\$ 1,995	\$ 2,217	111%	0	\$ - \$ -
11.2	Non Administrative		15.25	n/a	0.00	0.00	0.00	0.00	15.25	\$ 3,580	\$ 3,457	97%	1	\$ 3,457 \$ 3,580
12	GENERAL PLAN AMENDMENT													
12.1	Land Use Diagram Amendment		62.50	8.00	0.00	0.00	0.00	0.00	70.50	\$ 16,511	\$ 17,333	105%	0	\$ - \$ -
12.2	Text Amendment		32.00	8.00	0.00	0.00	0.00	0.00	40.00	\$ 9,352	\$ 7,080	76%	5	\$ 35,400 \$ 46,758
13	HABITAT PLAN FEES (SC VALLEY)													
13.1	Habitat Plan Related Reviews		2.00	n/a	0.00	0.00	0.00	0.00	2.00	\$ 469	\$ 522	111%	0	\$ - \$ -
14	HOUSING IN-LIEU FEE	[5]												
15	MINOR EXCEPTION		12.25	0.50	0.00	0.00	0.00	0.00	12.75	\$ 2,990	\$ 3,306	111%	0	\$ - \$ -
16	OPEN SPACE IN-LIEU FEE (Per 20 Dwellings)	[5]												
17	OUT OF AGENCY CONTRACT FOR SERVICES													
17.1	City staff	[3]	41.75	n/a	0.00	0.00	0.00	0.00	41.75	\$ 9,800	\$ 10,892	111%	0	\$ - \$ -
	Plus additional fees collected by other agencies										Actual Costs			
18	PLANNING CONSULTATION - hourly		1.00	n/a	0.00	0.00	0.00	0.00	1.00	\$ 235	\$ 261	111%	0	\$ - \$ -
19	REFUNDABLE DEPOSITS										Determined by Planning Director - billed at hourly rate			
19	RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCE)													
19.1	Preliminary Measure S Review		28.50	1.00	0.00	0.00	0.00	0.00	29.50	\$ 6,920	\$ 8,541	123%	0	\$ - \$ -
19.2	Final Measure S Review (RDCE)		109.00	17.00	0.00	0.00	0.00	0.00	126.00	\$ 29,496	\$ 31,534	107%	0	\$ - \$ -
19.3	RDCE Extension		13.50	3.50	0.00	0.00	0.00	0.00	17.00	\$ 3,974	\$ 4,296	108%	0	\$ - \$ -
19.4	RDCE Appeal		31.50	3.00	0.00	0.00	0.00	0.00	34.50	\$ 8,084	\$ 8,881	110%	0	\$ - \$ -

No.	Fee Description	Notes	Activity Service Cost Analysis							Cost Recovery Analysis		Annual Estimated Revenue Analysis		
			Estimated Average Labor Time Per Activity (hours)						Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity	Annual Estimated Revenues	
			Plng	Eng [25]	Bldg [26]	Fire [26]	Housing [26]	Police [26]					Current Fee	Full Cost Recovery
			\$ 235	\$ 230	\$ 204	\$ 204	\$ 172	\$ 164	Total					
20	RESIDENTIAL PRIVATE LIVESTOCK PERMIT		9.00	n/a	0.00	0.00	0.00	0.00	9.00	\$ 2,113	\$ 761	36%	0	\$ - \$ -
21	REVERSION TO ACREAGE PROCESSING		12.50	n/a	0.00	0.00	0.00	0.00	12.50	\$ 2,934	\$ 3,261	111%	0	\$ - \$ -
22	SIGN REVIEW													
22.1	Alteration to existing Sign	[19]	0.75	n/a	0.00	0.00	0.00	0.00	0.75	\$ 176	\$ 391	222%	0	\$ - \$ -
22.2	Sign Review Over the Counter - Copy Change		1.00	n/a	0.00	0.00	0.00	0.00	1.00	\$ 235	\$ 261	111%	0	\$ - \$ -
22.3	New Sign Permit - First Sign		1.50	n/a	0.00	0.00	0.00	0.00	1.50	\$ 352	\$ 391	111%	6	\$ 2,346 \$ 2,113
22.4	Each additional Sign		0.50	n/a	0.00	0.00	0.00	0.00	0.50	\$ 117	\$ 130	111%	0	\$ - \$ -
22.5	New Sign within a Master Sign Program		0.75	n/a	0.00	0.00	0.00	0.00	0.75	\$ 176	\$ 196	111%	10	\$ 1,960 \$ 1,760
22.6	Subdivision/Real Estate Tract Signs	[20]	3.00	n/a	0.00	0.00	0.00	0.00	3.00	\$ 704	\$ 783	111%	0	\$ - \$ -
22.7	Temporary/Promotional Signs		0.25	n/a	0.00	0.00	0.00	0.00	0.25	\$ 59	\$ 65	111%	1	\$ 65 \$ 59
22.8	Uniform Sign Program		14.50	n/a	0.00	0.00	0.00	0.00	14.50	\$ 3,404	\$ 3,783	111%	1	\$ 3,783 \$ 3,404
23	SUBDIVISION													
23.1	Tentative Parcel Map Review - 4 lots or less		22.00	7.00	0.00	0.00	0.00	0.00	29.00	\$ 6,774	\$ 4,948	73%	4	\$ 19,792 \$ 27,097
	Tentative Subdivision Map Review													
23.2	5 to 15 lots		26.00	13.00	0.00	0.00	0.00	0.00	39.00	\$ 9,093	\$ 6,434	71%	3	\$ 19,302 \$ 27,280
23.3	16 - 25 lots		34.00	15.00	0.00	0.00	0.00	0.00	49.00	\$ 11,431	\$ 8,072	71%	0	\$ - \$ -
23.4	26 lots or more - each additional 25 lots		42.00	19.00	0.00	0.00	0.00	0.00	61.00	\$ 14,229	\$ 8,072	57%	1	\$ 8,072 \$ 14,229
24	TRANSFER DEVELOPMENT CREDIT (TDC)	[10]												
24.1	Application Fee		35.50	n/a	0.00	0.00	0.00	0.00	35.50	\$ 8,333	\$ 9,261	111%	0	\$ - \$ -
25	TREE REMOVAL PERMIT		5.75	n/a	0.00	0.00	0.00	0.00	5.75	\$ 1,350	\$ 109	8%	12	\$ 1,308 \$ 16,196
26	URBAN SERVICE AREA AMENDMENT													
26.1	City Processing		57.00	8.00	0.00	0.00	0.00	0.00	65.00	\$ 15,220	\$ 15,511	102%	0	\$ - \$ -
26.2	LAFCO Processing		120.00	n/a	0.00	0.00	0.00	0.00	120.00	\$ 28,167	\$ 26,434	94%	0	\$ - \$ -
26.3	Plus Additional Fees Collected by Other Agencies										LAFCO fee \$11,574 plus Actual Costs			
27	USE PERMIT													
27.1	Administrative Use Permit		24.00	4.00	1.00	1.00	0.50	0.50	31.00	\$ 7,130	\$ 1,201	17%	1	\$ 1,201 \$ 7,130

			Activity Service Cost Analysis							Cost Recovery Analysis			Annual Estimated Revenue Analysis		
No.	Fee Description	Notes	Estimated Average Labor Time Per Activity (hours)							Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity	Annual Estimated Revenues	
			Plng	Eng [25]	Bldg [26]	Fire [26]	Housing [26]	Police [26]	Total					Current Fee	Full Cost Recovery
			\$ 235	\$ 230	\$ 204	\$ 204	\$ 172	\$ 164							
	Conditional Use Permit														
27.2	New Construction		40.00	4.00	2.00	2.00	0.50	0.50	49.00	\$ 11,293	\$ 9,533	84%	1	\$ 9,533	\$ 11,293
27.3	No New Construction		40.00	2.00	2.00	2.00	0.50	0.50	47.00	\$ 10,833	\$ 9,091	84%	0	\$ -	\$ -
27.4	Temporary Use Permit		14.50	8.00	1.00	1.00	0.00	0.50	25.00	\$ 5,734	\$ 3,025	53%	1	\$ 3,025	\$ 5,734
27.5	Temporary Use Permit (Non-Profit)		14.50	1.00	1.00	1.00	0.00	0.50	18.00	\$ 4,124	\$ 100	2%	1	\$ 100	\$ 4,124
27.6	Temporary Use Permit Amendment		10.00	1.00	1.00	1.00	0.00	0.50	13.50	\$ 3,067	\$ 1,196	39%	1	\$ 1,196	\$ 3,067
28	VARIANCE		40.00	0.75	1.00	1.00	0.00	0.50	43.25	\$ 10,052	\$ 8,514	85%	1	\$ 8,514	\$ 10,052
29	WILLIAMSON ACT														
29.1	Cancellation		48.00	n/a	0.00	0.00	0.00	0.00	48.00	\$ 11,267	\$ 12,522	111%	0	\$ -	\$ -
29.2	New		26.00	n/a	0.00	0.00	0.00	0.00	26.00	\$ 6,103	\$ 3,131	51%	0	\$ -	\$ -
29.3	Non-Renewal		4.00	n/a	0.00	0.00	0.00	0.00	4.00	\$ 939	\$ 1,044	111%	0	\$ -	\$ -
30	ZONING REQUESTS	[22]													
30.1	Planned Development		64.00	5.00	1.00	1.00	0.50	0.50	72.00	\$ 16,749	\$ 10,629	63%	4	\$ 42,516	\$ 66,995
30.2	Residential Planned Development Review		64.00	3.00	1.00	1.00	1.00	0.50	70.50	\$ 16,375	\$ 13,186	81%	0	\$ -	\$ -
30.3	Residential Planned Development (if processed concurrently with subdivision)		41.00	3.00	0.00	0.00	0.00	0.00	44.00	\$ 10,314	\$ 9,142	89%	0	\$ -	\$ -
30.4	Zoning Map Amendment Review		45.00	2.00	0.00	0.00	0.00	0.00	47.00	\$ 11,023	\$ 8,557	78%	2	\$ 17,114	\$ 22,046
30.5	Zoning Map Amendment Review (if processed concurrently with GPA or ANX)		36.00	2.00	0.00	0.00	0.00	0.00	38.00	\$ 8,910	\$ 3,241	36%	0	\$ -	\$ -
30.6	Zoning Text Amendment Review		48.00	2.00	0.00	0.00	0.00	0.00	50.00	\$ 11,727	\$ 10,980	94%	4	\$ 43,920	\$ 46,908
30.7	Zoning Confirmation Letter		6.50	n/a	n/a	n/a	n/a	n/a	6.50	\$ 1,526	\$ 1,696	111%	3	\$ 5,088	\$ 4,577
31	PUBLIC HEARINGS AND NOTICES														
31.1	City Council Meeting	[24]	7.00	2.00	0.00	0.00	0.00	0.00	9.00	\$ 2,103	\$ 2,268	108%	0	\$ -	\$ -
31.2	LAFCO Meeting - each additional		7.00	n/a	n/a	n/a	n/a	n/a	7.00	\$ 1,643	\$ 1,826	111%	0	\$ -	\$ -
31.3	Planning Commission Meeting	[23]	7.50	2.00	0.00	0.00	0.00	0.00	9.50	\$ 2,221	\$ 2,178	98%	0	\$ -	\$ -
	Public Noticing														
31.4	Up to 50		0.25	n/a	n/a	n/a	n/a	n/a	0.25	\$ 59	\$ 66	112%	0	\$ -	\$ -
31.5	Over 50		0.25	n/a	n/a	n/a	n/a	n/a	0.25	\$ 59	\$ 78	133%	0	\$ -	\$ -
31.6	Envelopes										Actual Costs				
31.7	Postage										Actual Costs				

No.	Fee Description	Notes	Activity Service Cost Analysis							Cost Recovery Analysis		Annual Estimated Revenue Analysis		
			Estimated Average Labor Time Per Activity (hours)						Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity	Annual Estimated Revenues	
			Plng	Eng [25]	Bldg [26]	Fire [26]	Housing [26]	Police [26]					Current Fee	Full Cost Recovery
			\$ 235	\$ 230	\$ 204	\$ 204	\$ 172	\$ 164	Total					
31.8	Public Noticing (publication)	[23]	7.50	n/a	0.00	0.00	0.00	0.00	7.50	\$ 1,760	\$ -	0%	0	\$ - \$ -
32	OTHER SERVICE CHARGES	[1]												
32.1	Annual Charge for Entire PC Packet									\$ 122.00				
32.3	Document Printing/Copying (per page)									\$ 0.10				
32.4	Oversized Copy 24X36 (per page)									\$ 2.26				
32.5	Oversized Copy 18X26 (per page)									\$ 2.01				
32.6	Oversized Copy 24X36 (Color) (per page)									\$ 2.93				
32.7	Oversized Copy 11X17 (per page)									\$ 0.55				
32.8	Other Oversized Copies									n/a see City Clerk				
32.9	Electronic Search of the Public Records													
32.1	Record Research Service (Deposit Required) - hourly		1.00	n/a	n/a	n/a	n/a	n/a	1.00	\$ 235	\$ 251	107%	0	\$ - \$ -
33	MAPS	[1]												
33.1	General Plan (Color)									\$ 13.00				
33.2	Zoning and Boundary									\$ 8.00				
34	Business License Zoning Review													
34.1	Home Based Business		0.50	n/a	n/a	n/a	n/a	n/a	0.50	\$ 117	\$ 130	111%	0	\$ - \$ -
34.2	All Other Types		0.50	n/a	n/a	n/a	n/a	n/a	0.50	\$ 117	\$ 130	111%	0	\$ - \$ -
35	For services requested of City staff which have no fee listed in this fee schedule													
35.1	During Business Hours		1.00	n/a	n/a	n/a	n/a	n/a	1.00	\$ 235	\$ 251	107%	0	\$ - \$ -
35.2	After Business Hours		1.00	n/a	n/a	n/a	n/a	n/a	1.00	\$ 270	\$ 251	93%	0	\$ - \$ -
TOTAL PLANNING													\$ 917,815	\$ 1,225,157

Cost Estimation for Providing Fee Related Activities and Services

			Activity Service Cost Analysis							Cost Recovery Analysis		Annual Estimated Revenue Analysis			
No.	Fee Description	Notes	Estimated Average Labor Time Per Activity (hours)						Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity	Annual Estimated Revenues		
			Plng	Eng [25]	Bldg [26]	Fire [26]	Housing [26]	Police [26]					Total	Current Fee	Full Cost Recovery
			\$ 235	\$ 230	\$ 204	\$ 204	\$ 172	\$ 164							

Notes

- [1] Fees set by City policy. NBS did not evaluate.
- [2] Plus County and Fish and Game fees
- [3] Plus any LAFCO Fees
- [4] Maximum fee set by State Law
- [5] Impact Fee, Not analyzed as part of the fee study
- [6] Mitigation measures implemented prior to or through the Building Permit process should be incorporated into other fees.
- [7] 17.20.190 – Amendments to Approved Tentative Map. Defines what minor is. Major is other than minor.
- [8] Up to 4 structures not exceeding 10,000 square feet in floor area (no use of hazardous materials)
- [9] Projects greater than 10,000 square feet in floor area
- [10] Required by Hillside Combining District - 18.44 MHMC
- [11] 18.60.070B2a - Minor is under \$10,000 valuation. If public hearing (Planning Commission) required then need to pay separate fees to cover.
- [12] 18.60.070B2b - Major is over \$10,000 valuation. If public hearing (Planning Commission) required then need to pay separate fees to cover.
- [13] Development Agreements include 1 Planning Commission and 1 City Council Hearing
- [14] This fee should be for a non-RDCS DA. Does not include Attorney time, which could be significant for one-off DA's.
- [15] RDCS DA when processed concurrently with other entitlement application(s) w/ monitoring fee built-in. Does not include Attorney time.
- [16] RDCS DA w/ monitoring fee built-in. Does not include Attorney time.
- [17] Per Morgan Hill Municipal Code 18.60.060B "Evaluations shall be prepared by a qualified consultant..."
- [18] Applied to projects with long-term monitoring (i.e., after building permit final). Cost each year of monitoring
- [19] This covers reviews that are beyond copy change, but not new signs. We may just require a new Sign Permit at this stage if we require anything.
- [20] This is for tract sales signs that are on and/or off-site
- [21] Includes a Planning Commission hearing
- [22] Requires both Planning Commission and City Council hearings; assumption is one PC one CC.
- [23] For each Planning Commission Hearing (if not built-into application fees)
- [24] For each City Council Hearing (if not built-into application fees)
- [25] Hourly Rate taken from Engineering Hourly Rate Table
- [26] Hourly Rate provided by City Finance Department
- [27] All fees are flat fee unless otherwise noted in the description

APPENDIX A.2

Cost of Service Analysis – Engineering

No.	Fee Description	Fee Unit Type	Activity Service Cost Analysis							Cost Recovery Analysis			Annual Estimated Revenue Analysis		
			Estimated Average Labor Time Per Activity (hours)							Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity [1]	Annual Estimated Revenues	
			Eng	Plng	Bldg	Enviro Svcs	Maint	Utilities	Total					Current Fee	Full Cost Recovery
			\$ 230	\$ 235	\$ 204	\$ 175	\$ 141	\$ 171							
Land Development Engineering															
1	Public Improvement - Plan Check														
	\$ 50,000	base fee up to \$50,000	62.75	0.00	0.50	0.00	2.00	2.00	67.25	\$ 15,161	\$ 6,650	44%	1	\$ 6,650	\$ 15,161
		each additional \$1,000 or fraction thereof	0.000	0.000	0.000	0.000	0.000	0.000	0.00	\$ -	133.00	0%	61	\$ 8,113	\$ -
	\$ 100,000	base fee @ \$100,000	62.75	0.00	0.50	0.00	2.00	2.00	67.25	\$ 15,161	\$ 13,300	88%	1	\$ 13,300	\$ 15,161
		each additional \$1,000 or fraction thereof	0.215	0.000	0.000	0.000	0.020	0.030	0.27	\$ 57.41	118.00	206%	0	\$ -	\$ -
	\$ 200,000	base fee @ \$200,000	84.25	0.00	0.50	0.00	4.00	5.00	93.75	\$ 20,902	\$ 23,600	113%	2	\$ 47,200	\$ 41,804
		each additional \$1,000 or fraction thereof	0.070	0.000	0.002	0.000	0.007	0.007	0.09	\$ 18.52	103.00	556%	303	\$ 31,209	\$ 5,612
	\$ 500,000	base fee @ \$500,000	105.25	0.00	1.00	0.00	6.00	7.00	119.25	\$ 26,459	\$ 51,500	195%	2	\$ 103,000	\$ 52,918
		each additional \$1,000 or fraction thereof	0.039	0.000	0.000	0.000	0.004	0.004	0.05	\$ 10.22	88.00	861%	757	\$ 66,616	\$ 7,736
	\$ 1,000,000	base fee @ \$1,000,000	124.75	0.00	1.00	0.00	8.00	9.00	142.75	\$ 31,569	\$ 88,000	279%	1	\$ 88,000	\$ 31,569
		each additional \$1,000 or fraction thereof	0.012	0.000	0.000	0.000	0.000	0.0003	0.01	\$ 2.90	88.00	3030%	1623	\$ 142,824	\$ 4,713
	\$ 5,000,000	base fee @ \$5,000,000	174.50	0.00	1.00	0.00	8.00	10.00	193.50	\$ 43,184	\$ 440,000	1019%	0	\$ -	\$ -
		each add'l \$1,000	0.03	0.00	0.00	0.00	0.002	0.002	0.04	\$ 8.64	88.00	1019%	0	\$ -	\$ -
2	Public Improvement - Inspection														
	\$ 50,000	base fee up to \$50,000	87.50	0.00	0.00	0.00	0.00	0.00	87.50	\$ 20,129	n/a	0%	1	\$ -	\$ 20,129
		each add'l \$1,000	0.000	0.000	0.000	0.000	0.000	0.000	0.00	\$ -	n/a	0%	61	\$ -	\$ -
	\$ 100,000	base fee @ \$100,000	87.50	0.00	0.00	0.00	0.00	0.00	87.50	\$ 20,129	n/a	0%	1	\$ -	\$ 20,129
		each add'l \$1,000	0.540	0.000	0.000	0.000	0.000	0.000	0.54	\$ 124.22	n/a	0%	0	\$ -	\$ -
	\$ 200,000	base fee @ \$200,000	141.50	0.00	0.00	0.00	0.00	0.00	141.50	\$ 32,551	n/a	0%	2	\$ -	\$ 65,101
		each add'l \$1,000	0.517	0.000	0.000	0.000	0.000	0.000	0.52	\$ 118.85	n/a	0%	303	\$ -	\$ 36,013
	\$ 500,000	base fee @ \$500,000	296.50	0.00	0.00	0.00	0.00	0.00	296.50	\$ 68,207	n/a	0%	2	\$ -	\$ 136,414
		each add'l \$1,000	0.458	0.000	0.000	0.000	0.000	0.000	0.46	\$ 105.36	n/a	0%	757	\$ -	\$ 79,756
	\$ 1,000,000	base fee @ \$1,000,000	525.50	0.00	0.00	0.00	0.00	0.00	525.50	\$ 120,886	n/a	0%	1	\$ -	\$ 120,886
		each additional \$1,000 or fraction thereof	0.073	0.000	0.000	0.000	0.000	0.000	0.07	\$ 16.85	n/a	0%	1623	\$ -	\$ 27,348
	\$ 5,000,000	base fee @ \$5,000,000	818.50	0.00	0.00	0.00	0.00	0.00	818.50	\$ 188,288	n/a	0%	0	\$ -	\$ -
		each additional \$1,000 or fraction thereof	0.16	0.00	0.00	0.00	0.00	0.00	0.16	\$ 37.66	n/a	0%	0	\$ -	\$ -
3	GIS / Technology Fee	flat								5% of Public Improvement Fee	5% of Public Improvement Fee				

No.	Fee Description	Fee Unit Type	Activity Service Cost Analysis							Cost Recovery Analysis			Annual Estimated Revenue Analysis		
			Estimated Average Labor Time Per Activity (hours)							Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity [1]	Annual Estimated Revenues	
			Eng	Plng	Bldg	Enviro Svcs	Maint	Utilities	Total					Current Fee	Full Cost Recovery
			\$ 230	\$ 235	\$ 204	\$ 175	\$ 141	\$ 171							
4	Map Check														
	Parcel Map	flat	35.00	2.00	1.00	0.00	0.00	0.00	38.00	\$ 8,725	\$ 6,029	69%	1	\$ 6,029	\$ 8,725
	Tract Map/Subdivision Map (Service No. 149)	flat	41.00	2.00	2.00	0.00	0.00	0.00	45.00	\$ 10,309	\$ 9,627	93%	0	\$ -	\$ -
5	Certificate of Compliance - Lot Line Adjustment / Lot Merger	flat	29.00	0.00	1.00	0.00	0.00	0.00	30.00	\$ 6,875	\$ 3,914	57%	0	\$ -	\$ -
6	Parcel Map - Lot Line Adjustment / Lot Merger	flat	30.50	0.75	1.00	0.00	0.00	0.00	32.25	\$ 7,396	\$ 3,151	43%	0	\$ -	\$ -
7	Public Easement Review	flat	13.50	0.00	0.00	0.00	0.00	0.00	13.50	\$ 3,106	\$ 2,645	85%	3	\$ 7,935	\$ 9,317
8	Street Vacation	flat	39.00	0.00	0.00	0.00	0.00	0.00	39.00	\$ 8,972	\$ 203	2%	0	\$ -	\$ -
9	Easement Abandonment	flat	39.00	0.00	0.00	0.00	0.00	0.00	39.00	\$ 8,972	\$ 4,654	52%	0	\$ -	\$ -
10	Plan Revision (after approval of Public Improvement Plans)	T & M (Min 2 hrs)	1.00	0.00	0.00	0.00	0.00	0.00	1.00	\$ 230	\$ 530	230%	0	\$ -	\$ -
11	Reimbursement Agreement	flat	21.50	0.00	0.00	0.00	0.00	0.00	21.50	\$ 4,946	\$ 2,292	46%	0	\$ -	\$ -
12	FEMA Compliance														
	Base Fee														
	New Structure	flat	3.75	0.00	0.50	0.00	0.00	0.00	4.25	\$ 965	\$ 423	44%	1	\$ 423	\$ 965
	New Accessory Structure and New ADU	flat	2.75	0.00	0.50	0.00	0.00	0.00	3.25	\$ 735	\$ 423	58%	0	\$ -	\$ -
	Improvement of Existing Structure														
	Non-Substantial Improvement without Detailed Review	per structure	1.50	0.00	1.00	0.00	0.00	0.00	2.50	\$ 549	\$ 423	77%	0	\$ -	\$ -
	Non-Substantial Improvement with Detailed Review	per structure	2.50	0.00	1.00	0.00	0.00	0.00	3.50	\$ 779	\$ 423	54%	0	\$ -	\$ -
	Substantial Improvement (other than accessory structure)	per structure	5.00	0.00	0.50	0.00	0.00	0.00	5.50	\$ 1,252	\$ 423	34%	0	\$ -	\$ -
	Substantial Improvement of Accessory Structure and ADU	per structure	3.25	0.00	0.50	0.00	0.00	0.00	3.75	\$ 850	\$ 423	50%	0	\$ -	\$ -
	Additional Review Fees														
	Elevation Certificate Review	per structure	2.75	0.00	0.00	0.00	0.00	0.00	2.75	\$ 633	NEW	0%	0	\$ -	\$ -
	Flood Field Inspection	flat	2.50	0.00	0.00	0.00	0.00	0.00	2.50	\$ 575	NEW	0%	0	\$ -	\$ -
	Flood Study Review with Valley Water Coordination	flat	6.50	0.00	0.00	0.00	0.00	0.00	6.50	\$ 1,495	NEW	0%	0	\$ -	\$ -
	Review of CLOMR/CLOMR-F/LOMR/LOMR-F	flat	4.00	0.00	0.00	0.00	0.00	0.00	4.00	\$ 920	\$ 2,328	253%	0	\$ -	\$ -
	Public Outreach for LOMR/LOMR-F	flat	6.00	0.00	0.00	0.00	0.00	0.00	6.00	\$ 1,380	\$ 847	61%	0	\$ -	\$ -
	Review of BFE Determination for Zone A without a BFE or Zone D	flat	2.00	0.00	0.00	0.00	0.00	0.00	2.00	\$ 460	NEW	0%	0	\$ -	\$ -
13	Stormwater Runoff Management Plan Review														
	Tier 1 Project	flat	11.50	0.00	0.00	0.00	0.00	0.00	11.50	\$ 2,645	NEW	0%	0	\$ -	\$ -
	Tier 2 Project	flat	30.00	0.00	0.00	0.00	0.00	0.00	30.00	\$ 6,901	\$ 2,963	43%	5	\$ 14,815	\$ 34,506
	Tier 3 Project	flat	43.00	0.00	0.00	0.00	0.00	0.00	43.00	\$ 9,892	NEW	0%	0	\$ -	\$ -
	Tier 4 Project	flat	52.00	0.00	0.00	0.00	0.00	0.00	52.00	\$ 11,962	NEW	0%	0	\$ -	\$ -
14	Erosion & Sediment Control/Stormwater Pollution Prevention Plan (SWPPP) Review & Compliance														
	Type 1 & Type 2 Projects														
	< 1 Acre in Soil Disturbance	flat	2.25	0.00	0.00	0.00	0.00	0.00	2.25	\$ 518	\$ 787	152%	3	\$ 2,361	\$ 1,553
	1+ Acre in Soil Disturbance	flat	3.75	0.00	0.00	0.00	0.00	0.00	3.75	\$ 863	\$ 1,269	147%	5	\$ 6,345	\$ 4,313
	Type 3 Projects	flat	1.75	0.00	0.00	0.00	0.00	0.00	1.75	\$ 403	NEW	0%	0	\$ -	\$ -
	Type 4 Projects	flat	1.25	0.00	0.00	0.00	0.00	0.00	1.25	\$ 288	NEW	0%	0	\$ -	\$ -

No.	Fee Description	Fee Unit Type	Activity Service Cost Analysis							Cost Recovery Analysis		Annual Estimated Revenue Analysis			
			Estimated Average Labor Time Per Activity (hours)							Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity [1]	Annual Estimated Revenues	
			Eng	Plng	Bldg	Enviro Svcs	Maint	Utilities	Total					Current Fee	Full Cost Recovery
			\$ 230	\$ 235	\$ 204	\$ 175	\$ 141	\$ 171							
15	Stormwater Construction Inspections														
	Type 1 & Type 2 Projects														
	< 1 Acre in Soil Disturbance	flat	29.25	0.00	0.00	14.00	0.00	0.00	43.25	\$ 9,179	\$ 12,695	138%	1	\$ 12,695	\$ 9,179
	1+ Acre in Soil Disturbance	flat	43.00	0.00	0.00	37.00	0.00	0.00	80.00	\$ 16,367	\$ 12,695	78%	0	\$ -	\$ -
	Type 3 Projects	flat	0.25	0.00	0.00	0.20	0.00	0.00	0.45	\$ 93	\$ 68	73%	0	\$ -	\$ -
	Type 4 Projects	flat	0.25	0.00	0.00	0.20	0.00	0.00	0.45	\$ 93	\$ 68	73%	0	\$ -	\$ -
16	Stormwater BMP Operations & Maintenance Agreement	flat	9.00	0.00	0.00	0.00	0.00	0.00	9.00	\$ 2,070	NEW	0%	0	\$ -	\$ -
17	Private Sanitary Sewer Agreement	flat	11.50	0.00	0.00	0.00	0.00	0.00	11.50	\$ 2,645	NEW	0%	0	\$ -	\$ -
18	Assessment District Reapportionment														
	City Staff	flat	12.00	0.00	0.00	0.00	0.00	0.00	12.00	\$ 2,760	NEW	0%	0	\$ -	\$ -
	Contractor Costs	actual costs								Actual Costs	\$ 5,000				
19	Preliminary Review on Projects / Engineering Services	flat	10.00	0.00	0.00	0.00	0.00	0.00	10.00	\$ 2,300	\$ 2,030	88%	20	\$ 40,600	\$ 46,008
20	Additional Plan Review (after 3rd submittal)	hourly (min 2 hrs)	1.00	0.00	0.00	0.00	0.00	0.00	1.00	\$ 230	\$ 203	88%	0	\$ -	\$ -
21	Re-Inspection Fee	hourly (min 4 hrs)	1.00	0.00	0.00	0.00	0.00	0.00	1.00	\$ 230	\$ 203	88%	0	\$ -	\$ -
22	Complexity Fee	flat	12.00	0.00	0.00	0.00	0.00	0.00	12.00	\$ 2,760	\$ 2,436	88%	0	\$ -	\$ -
23	FEMA Community Rating System (CRS) Annual Reporting	flat	54.00	0.00	0.00	0.00	0.00	0.00	54.00	\$ 12,422	NEW	0%	0	\$ -	\$ -
24	Agreement Extensions / Improvement Agreement Amendments														
	With City Manager Approval	flat	12.50	0.00	0.00	0.00	0.00	0.00	12.50	\$ 2,876	NEW	0%	0	\$ -	\$ -
	With City Council Approval	flat	19.00	0.00	0.00	0.00	0.00	0.00	19.00	\$ 4,371	NEW	0%	0	\$ -	\$ -
25	Citywide Inspection for Construction or Stormwater Improvements	flat									See Stormwater Construction Inspection				
26	Building Grading Support	flat									Included in Public Improvement Plan Check				
27	NPDES - above and below 1 acre. Put in tier.	flat									See Stormwater Construction Inspection				
28	Private Street Review	flat									Included in Public Improvement Plan Check				

			Activity Service Cost Analysis							Cost Recovery Analysis			Annual Estimated Revenue Analysis		
No.	Fee Description	Fee Unit Type	Estimated Average Labor Time Per Activity (hours)							Cost of Service Per Activity	Current Fee	Existing Cost Recovery %	Estimated Volume of Activity [1]	Annual Estimated Revenues	
			Eng	Plng	Bldg	Enviro Svcs	Maint	Utilities	Total					Current Fee	Full Cost Recovery
			\$ 230	\$ 235	\$ 204	\$ 175	\$ 141	\$ 171							
29	Preliminary Fee Estimate	flat	1.50	0.00	0.00	0.00	0.00	0.00	1.50	\$ 345	\$ 305	88%	0	\$ -	\$ -
30	For services requested of City staff which have no fee listed in this fee schedule														
	During Business Hours	per hour	1.00	0.00	0.00	0.00	0.00	0.00	1.00	\$ 230	\$ 255	111%	0	\$ -	\$ -
	After Business Hours	per hour	1.00	0.00	0.00	0.00	0.00	0.00	1.00	\$ 265	\$ 255	96%	0	\$ -	\$ -
TOTAL ENGINEERING														\$ 598,115	\$ 795,015

Notes

[1] Activity related to Public Improvement Plan Check & Inspection is based on the number of valuation increments, rather than number of projects.

APPENDIX B.1

Comparative Fee Survey – Planning

City of Morgan Hill				Comparison Agencies				
Fee No.	Fee Name	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
PLANNING DEPARTMENT								
1	ANNEXATION	\$ 12,357	\$ 24,531	\$15,910 + Attorney Costs	no comparison available	\$37,898 + \$4,536	\$ 37,950	no comparison available
1.2	LAFCO Processing	\$ 10,696	\$ 28,167					
	Plus additional fees collected by other agencies	LAFCO fee \$1,154 plus SBE fees	LAFCO fee \$1,154 plus SBE fees	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
2	APPEALS							
	Commission/Board Decisions							
2.1	Applicant Appeal	\$ 6,905	\$ 8,292	\$600 per application + publication costs	\$ 611	Env Det/Protest of Zoning by Non-Applicant: \$250 By Applicant: \$12,058 Non-Applicant: \$11,808 Hist. Preservation: \$100	Non-Applicant Resident: \$477 All Others: \$9,543	Non-Public Hearing Decision: \$206 Appeal of Zoning Admin/Plng Commission Decision: \$206
2.2	Public Appeal	\$ 544	\$ 8,292					
	Staff Decisions							
2.1	Applicant Appeal	\$ 5,699	\$ 6,795	\$2,540 + publishing costs	\$ 3,910			
2.2	Public Appeal	\$ 544	\$ 6,795					
3	APPROVAL AMENDMENT							
3.1	Major Approval Amendment (Non Admin - s/b Major)	\$ 8,209	\$ 12,548	no comparison available	no comparison available	no comparison available	\$ 10,844	no comparison available
3.2	Minor Approval Amendment (Admin - s/b Minor)	\$ 4,505	\$ 7,031	no comparison available	no comparison available	no comparison available	\$ 813	no comparison available
4	CC&Rs							
4.1	CC&Rs	\$ 522	\$ 1,138	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	Plus City Attorney Fees	Actual Cost	Actual Cost					
4.2	Other Agreements / Documents Review	\$ 522	\$ 469	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	Plus City Attorney Fees	Actual Cost	Actual Cost					
5	CONTRACT PLANNING SERVICES							
	Consultant Portion	Actual Cost	Actual Cost	See Environmental Impact Report	See Environmental Impact Report	no comparison available	no comparison available	See Environmental Impact Report
	City's Portion	15%	15%					
	GIS/Tech	5%	5%					
6	CULTURAL RESOURCES							
6.1	Alteration (Major - \$10,000+ valuation) (plus Planning Commission costs)	\$ 1,304	\$ 5,047	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
6.2	Alteration (Minor - under \$10,000 valuation) (plus Planning Commission costs)	\$ 391	\$ 352	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
6.3	Demolition or Relocation (Formerly Alteration)	\$ 5,719	\$ 5,716	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
6.4	Designation	\$ 8,348	\$ 7,511	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available

City of Morgan Hill				Comparison Agencies				
Fee No.	Fee Name	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
7	DESIGN PERMIT							
7.1	Landscape Plan Review Only	\$ 2,609	\$ 2,347	Architectural and Site Review Residential: New - \$7,295 - First lot \$540/ea add'l flatland tract \$1,160/ea add'l hillside lot New Hillside Lot - \$4,090 Remodel - \$735 Commercial: New - \$8,900 - First 5k s.f. \$695/ea add'l 10k s.f. Remodel: \$4,065 Industrial: New - \$5,125 - First 10k s.f. \$290/ea add'l 10k s.f. Remodel: \$2,130	Architectural Review: Major Project - \$13,380 dep Minor Project (ARB) - \$9,073/ea Minor Project (Staff Review) - \$3,483/ea Site and Design Major: \$29,358 per deposit	Up to 2 units: \$7,753 + \$928 3-24 Units: \$505 + \$60 ea 25 units: \$19,378 + \$2,139 26-99 units: \$87 + \$10 ea 100 Units: \$25,839 + \$3,092 101-499 units: \$9 + \$1 ea 500 units: \$30,145 + \$3,608 501+ units: \$59 + \$7 ea	Architectural Review Staff Review OTC: no charge SFD going to DRH: \$893 New Dev/Non SFD: \$32,529 Consultant Review: Actual Cost + Admin Cost	\$2,038 - \$4,001
7.2	Non-Residential Design Permit (Major)	\$ 7,968	\$ 17,200					
7.3	Non-Residential Design Permit (Minor)	\$ 4,917	\$ 9,468					
7.4	Plan Detail Review (misc. site details, e.g., lighting, trash encl.)	\$ 2,198	\$ 1,976					
7.5	Residential Design Permit - 6 units or less	\$ 7,446	\$ 11,518					
7.6	Residential Design Permit - 7 units to 15 units	\$ 9,494	\$ 14,265					
7.7	Residential Design Permit - 16 or more units each additional 25 units	\$ 11,803	\$ 17,931					
7.8	Site Plan Only (no new square footage)	\$ 6,102	\$ 6,209					
8	DESIGN REVIEW (PRELIMINARY PLAN REVIEW)							
8.1	Conceptual Plan Review (Staff)	\$ 4,603	\$ 6,190	no comparison available	\$7,105.10 each	no comparison available	Pre-Application: SFD - \$476 Planning Review - \$3,179 Project Clearance Committee Review - \$5,422	\$ 1,030
8.2	Non-Residential (Major) Preliminary Plan Review to PC	\$ 8,490	\$ 9,844					
8.3	Non-Residential (Minor) Preliminary Plan Review to PC	\$ 5,438	\$ 6,828					
8.4	Residential SB330 Preliminary Application Review (staff)	\$ 11,437	\$ 12,610					
8.5	Residential - 6 units or less Preliminary Plan Review to PC	\$ 5,359	\$ 7,446					
8.6	Residential - 7 units or more Preliminary Plan Review to PC	\$ 8,191	\$ 10,685					
9	DEVELOPMENT AGREEMENT/RDCS							
9.1	Non Residential Development Agreement	\$ 7,043	\$ 12,206	\$17,250 minimum deposit	Development Agreement - \$9,200 per deposit Development Agreement: Annual Review - \$3,221 per deposit	Development Agreement: \$18,301 + \$2,190 Agreement Annual Monitoring: \$12,274 + \$1,469	\$32,529 Amendment or Cancellation: \$10,844	Development Agreement: \$6,664 Minor Mod: \$3,332 Annual Review: \$1,666
	Residential Development Agreement							
9.2	Filed Concurrent with Other Entitlement Applications	\$ 10,957	\$ 12,206					
9.3	Filed Alone - Non Concurrent with Other Applications (Includes RDCS Compliance Monitoring 0 - 3 Yrs.)	\$ 12,261	\$ 13,379					
9.4	RDCS Compliance Monitoring - each year after 3 years	\$ 2,609	\$ 2,347					

City of Morgan Hill				Comparison Agencies				
Fee No.	Fee Name	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
10	ENVIRONMENTAL REVIEW (CEQA)							
10.1	Environmental Impact Report	\$ 22,120	\$ 25,832	\$19,820 minimum (15% of contract price) + publishing costs	Consultant Prepared - Actual Costs + 25% of contract	\$ 21,840	\$ 32,529	10% min of consulting fee (\$1,727 min)
10.2	Expanded Initial Study	\$ 16,221	\$ 14,882	\$9,415 min fee + publishing costs	Staff Prepared - \$6,518 per deposit	no comparison available	\$ 16,264	\$ 917
10.3	Historic Assessments - Historical Consultant (Deposit)	Actual Cost	Actual Cost	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
10.4	Historic Assessments - Staff-level	\$ 2,609	\$ 4,577	Neighborhood: \$3,560 Site: \$3,890	Application: \$326.30 Minor: \$1,305.10 Major: \$1,957.60	\$3,500 + \$418	SFD - \$893 All Others - \$10,844	\$240 - \$586
10.5	Initial Environmental Assessment	\$ 2,308	\$ 2,101	no comparison available	Actual Costs + 25% of contract	\$ 936	no comparison available	no comparison available
10.6	Mitigation Monitoring and Reporting Program (Per Year)	\$ 1,304	\$ 1,174	no comparison available	EIR - \$4,784 per deposit MND - \$1,594 per deposit	Plan Prep (10 hrs) - \$3,120 Prior to Const - \$1,248 Post Const - \$312/hr	no comparison available	no comparison available
11	EXTENSION OF TIME FOR APPROVALS							
11.1	Administrative	\$ 2,217	\$ 1,995	\$ 380	Hourly Rate	2,368 + 283	50% of Application Fee	\$ 917
11.2	Non Administrative	\$ 3,457	\$ 3,580	no comparison available	no comparison available	no comparison available	50% of Application Fee	no comparison available
12	GENERAL PLAN AMENDMENT							
12.1	Land Use Diagram Amendment	\$ 17,333	\$ 16,454	\$15,575 - First 10 acres \$100/ea add'l 10 acres + publishing costs	no comparison available	\$18,292 + \$2,189	SFD - \$2,710 Up to 1 acre - \$21,686 1-5 acres: \$32,529 5+ acres: \$37,950	\$ 6,664
12.2	Text Amendment	\$ 7,080	\$ 9,295	\$10,710 + publishing costs	no comparison available	\$18,292 + \$2,189		
13	HABITAT PLAN FEES (SC VALLEY)							
13.1	Habitat Plan Related Reviews	\$ 522	\$ 469	\$1,150 base fee. \$1,350+ for permits processed by City consultants	no comparison available	\$ 936	no comparison available	no comparison available
14	HOUSING IN-LIEU FEE [1]		N/A	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
15	MINOR EXCEPTION	\$ 3,306	\$ 2,987	\$ 1,235	no comparison available	\$6,673 + \$798	no comparison available	no comparison available
16	OPEN SPACE IN-LIEU FEE (Per 20 Dwellings) [1]		N/A	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
17	OUT OF AGENCY CONTRACT FOR SERVICES							
17.1	City staff	\$ 10,892	\$ 9,800	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	Plus additional fees collected by other agencies	Actual Costs	Actual Costs					
18	PLANNING CONSULTATION - hourly	\$ 261	\$ 235	no comparison available	no comparison available	\$312/hr	no comparison available	no comparison available

City of Morgan Hill				Comparison Agencies				
Fee No.	Fee Name	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
19	REFUNDABLE DEPOSITS	Determined by Planning Director - billed at hourly rate	Determined by Planning Director - billed at hourly rate	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
19	RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDOS)							
19.1	Preliminary Measure S Review	\$ 8,541	\$ 6,913	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
19.2	Final Measure S Review (RDOS)	\$ 31,534	\$ 29,376	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
19.3	RDOS Extension	\$ 4,296	\$ 3,949	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
19.4	RDOS Appeal	\$ 8,881	\$ 8,063	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
20	RESIDENTIAL PRIVATE LIVESTOCK PERMIT	\$ 761	\$ 2,113	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
21	REVERSION TO ACREAGE PROCESSING	\$ 3,261	\$ 2,934	no comparison available	no comparison available	\$1,291 + \$154	no comparison available	no comparison available
22	SIGN REVIEW							
22.1	Alteration to existing Sign	\$ 391	\$ 176	\$126 - first 25 s.f. \$29/each add'l 25 s.f.	ARB Review - \$4,550.30 per app	Single Sign: \$215 + \$25 Multiple Signs: \$109 + \$13 per add'l sign	Individual - \$317 Each add'l - \$78 Temp: \$78 Temp removal - \$135 Master Prog - \$4,066	Temp Sign: No Fee Perm Sign: \$171 Master Sign Agreement: \$917 Master Sign Minor Mod: \$416
22.2	Sign Review Over the Counter - Copy Change	\$ 261	\$ 235		Exceptions - \$4,749.40 per app			
22.3	New Sign Permit - First Sign	\$ 391	\$ 352		Signs, Minor Facade Changes, Landscaping, Accessory Structures, or Similar Minor Changes to a Building Exterior - \$1,088.60 per app			
22.4	Each additional Sign	\$ 130	\$ 117					
22.5	New Sign within a Master Sign Program	\$ 196	\$ 176					
22.6	Subdivision/Real Estate Tract Signs	\$ 783	\$ 704					
22.7	Temporary/Promotional Signs	\$ 65	\$ 59		Temporary Sign Permit - \$201.10 each			
22.8	Uniform Sign Program	\$ 3,783	\$ 3,404					

City of Morgan Hill				Comparison Agencies				
Fee No.	Fee Name	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
23	SUBDIVISION							
23.1	Tentative Parcel Map Review - 4 lots or less	\$ 4,948	\$ 6,725	\$7,355 - First 4 lots \$145/each add'l lot + publishing costs	5+ Parcels: Final Map - \$6,077/ea Tentative Map - \$11,238/dep	Up to 10 lots: \$8,183 + \$979 11-49 lots: \$21 + \$2 ea 50 lots: \$9,044 + \$1,051 51-249 lots: \$6 + \$0.72 ea 250 lots: \$10,336 + \$1,237 251+ lots: \$40 + \$4 ea	\$ 16,264	\$ 3,059
	Tentative Subdivision Map Review				Minor: Final Parcel - \$5,082.80/ea Prelim Parcel - \$6,089.30/ea			
23.2	5 to 15 lots	\$ 6,434	\$ 9,002	\$13,995 - First 12 lots \$115/ea add'l flatland lot \$500/ea add'l hillside lot + publishing costs	Minor w/Exception: Final Parcel: \$3,721.30/ea Prelim Parcel - \$9,630/ea	5+ lots: \$21,686		\$5,018 + \$346 per lot
23.3	16 - 25 lots	\$ 8,072	\$ 11,326					
23.4	26 lots or more - each additional 25 lots	\$ 8,072	\$ 14,095					
24	TRANSFER DEVELOPMENT CREDIT (TDC)							
24.1	Application Fee	\$ 9,261	\$ 8,333	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
25	TREE REMOVAL PERMIT	\$ 109	\$ 1,350	\$ 300	no comparison available	Dead/Unsuitable Tree: \$234 + \$28 (\$30 + \$3 each add'l) Live Tree: SFD - \$2,028 + \$242 All Other - \$2,340 + \$280 Heritage: \$10,336 + \$1,237	Heritage Tree: \$758	Tree Removal: \$310 Tree Removal w/Cert Arborist Report: \$171
26	URBAN SERVICE AREA AMENDMENT							
26.1	City Processing	\$ 15,511	\$ 15,163	\$27,785 - First 10 Acres \$165/ea add'l 10 acres + publishing costs & LAFCO fees	no comparison available	\$18,292 + \$2,189	no comparison available	no comparison available
26.2	LAFCO Processing	\$ 26,434	\$ 28,167					
26.3	Plus Additional Fees Collected by Other Agencies	LAFCO fee \$11,574 plus Actual Costs	LAFCO fee \$11,574 plus Actual Costs		no comparison available	no comparison available	no comparison available	no comparison available
27	USE PERMIT							
27.1	Administrative Use Permit	\$ 1,201	\$ 7,101	Special Use Permit: \$1,200 deposit	no comparison available	\$3,138 + \$375	Minor Use: \$5,725 Standard Use: \$13,251	SFH/DUP: \$502
	Conditional Use Permit							
27.2	New Construction	\$ 9,533	\$ 11,265	\$5,275 + publishing costs	Director Level: \$7,499/ea Additional Upon Hearing: \$12,571.60	\$17,113 + \$2048		
27.3	No New Construction	\$ 9,091	\$ 10,819					
27.4	Temporary Use Permit	\$ 3,025	\$ 5,678	Flower vendors, model homes, const. trailers - \$350 All others - \$925 min	Day Care Center: \$186	SUP: Existing SFD - \$5,637 + \$674		
27.5	Temporary Use Permit (Non-Profit)	\$ 100	\$ 4,117		Temp Use (Minor) - \$1,489.80/ea			
27.6	Temporary Use Permit Amendment	\$ 1,196	\$ 3,060					

City of Morgan Hill				Comparison Agencies				
Fee No.	Fee Name	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
28	VARIANCE	\$ 8,514	\$ 10,046	\$5,185 + publishing costs	Director Level: \$4,790.40/ea Additional Upon Hearing: \$12,571.60/ea	\$6,673 + \$798	Single Family: \$3,187 All Others: \$13,251	SFH/DUP: \$502 All Others: \$1,884
29	WILLIAMSON ACT							
29.1	Cancellation	\$ 12,522	\$ 11,267	\$5,520 + \$3,000 atty fees deposit + publishing costs	\$ 2,514	App: \$12,164 + \$1,456	no comparison available	no comparison available
29.2	New	\$ 3,131	\$ 6,103			Cancellation/Mod: \$22,070 + \$2641		
29.3	Non-Renewal	\$ 1,044	\$ 939					
30	ZONING REQUESTS							
30.1	Planned Development	\$ 10,629	\$ 16,714	\$ 13,875	Planned Community Zone Change: \$9,570 per deposit Minor Change: \$1,956 per deposit	Up to 2 units: \$11,484 + \$1,374 3-24 Units: \$112 + \$13 ea 25 units: \$14,102 + \$1,688 26-99 units: \$315 + \$37 ea 100 Units: \$37,752 + \$4,518 101-499 units: \$37 + \$4 ea 500 units: \$52,325 + \$6,263 501+ units: \$106 + \$12 ea	Single lot to R1: \$8,338 Non-PD: \$18,930 PD: \$54,215 PD-Master Community: \$65,058	no comparison available
30.2	Residential Planned Development Review	\$ 13,186	\$ 16,354					
30.3	Residential Planned Development (if processed concurrently with subdivision)	\$ 9,142	\$ 10,293					
30.4	Zoning Map Amendment Review	\$ 8,557	\$ 11,009					
30.5	Zoning Map Amendment Review (if processed concurrently with GPA or ANX)	\$ 3,241	\$ 8,896			no comparison available		
30.6	Zoning Text Amendment Review	\$ 10,980	\$ 11,713	\$7,085 + publishing costs	Zone Change Regular: \$7,973 per deposit		\$ 24,397	
30.7	Zoning Confirmation Letter	\$ 1,696	\$ 1,526	Hourly rate + Direct Cost	Hourly Rate	\$430 + \$51 to \$4,951 + \$592 depending on type	\$ 463	\$ 118
31	PUBLIC HEARINGS AND NOTICES							
31.1	City Council Meeting	\$ 2,268	\$ 2,089	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
31.2	LAFCO Meeting - each additional	\$ 1,826	\$ 1,643	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
31.3	Planning Commission Meeting	\$ 2,178	\$ 2,206	no comparison available	no comparison available	no comparison available	no comparison available	\$ 4,001
	Public Noticing							
31.4	Up to 50	\$ 66	\$ -	no comparison available	150 ft Radius - \$667.90 600 ft Radius - \$1,172.70 Beyond 600 ft Radius - \$1,563.60	Adjacent (15 notices): \$167 300 ft rad (275): \$515 500 ft rad (475): \$975 1,000 ft rad (1,200): \$2,136 Each add'l: \$0.74	Single Family: \$119 Non-Single Fam: \$1,084	Renoticing: \$171
31.5	Over 50	\$ 78	\$ -	no comparison available				500 ft radius: \$368 1,000 ft rad: \$1,157 2,000 ft rad: \$2,368
31.6	Envelopes	Actual Costs	Actual Costs	no comparison available		no comparison available	no comparison available	no comparison available
31.7	Postage	Actual Costs	Actual Costs	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available

City of Morgan Hill				Comparison Agencies				
Fee No.	Fee Name	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
31.8	Public Noticing (publication)	\$ -	\$ 1,760	\$330 for zoning and General Plan Amendments \$220 for all other applications	no comparison available	no comparison available	no comparison available	no comparison available
32	OTHER SERVICE CHARGES							
32.1	Annual Charge for Entire PC Packet	\$ 122.00	\$ 122.00	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
32.3	Document Printing/Copying (per page)	\$ 0.10	\$ 0.10					
32.4	Oversized Copy 24X36 (per page)	\$ 2.26	\$ 2.26					
32.5	Oversized Copy 18X26 (per page)	\$ 2.01	\$ 2.01					
32.6	Oversized Copy 24X36 (Color) (per page)	\$ 2.93	\$ 2.93					
32.7	Oversized Copy 11X17 (per page)	\$ 0.55	\$ 0.55					
32.8	Other Oversized Copies	n/a	n/a					
32.9	Electronic Search of the Public Records	see City Clerk	see City Clerk					
32.1	Record Research Service (Deposit Required) - hourly	\$ 251	\$ 235	Hourly rate + Direct cost	Hourly Rate	\$ 312	no comparison available	no comparison available
33	MAPS							
33.1	General Plan (Color)	\$ 13.00	\$ 13.00	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
33.2	Zoning and Boundary	\$ 8.00	\$ 8.00	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
34	Business License Zoning Review							
34.1	Home Based Business	\$ 130	\$ 117	\$ 70	no comparison available	no comparison available	no comparison available	no comparison available
34.2	All Other Types	\$ 130	\$ 117	\$30 - \$370	no comparison available	no comparison available	no comparison available	no comparison available
35	For services requested of City staff which have no fee listed in this fee schedule							
35.1	During Business Hours	\$ 251	\$ 235	Hourly Rate	no comparison available	\$ 312	no comparison available	no comparison available
35.2	After Business Hours	\$ 251	\$ 270	\$550 + \$175/hr after 3 hours	no comparison available	\$ 312	no comparison available	\$ 193

Notes:
[1] Placeholder for Master Fee Schedule. NBS did not evaluate.

APPENDIX B.2

Comparative Fee Survey – Engineering

City of Morgan Hill					Comparison Agencies				
Fee No.	Fee Name	Fee Unit / Type	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
Land Development Engineering									
1	Public Improvement - Plan Check								
	\$ 50,000	base fee up to \$50,000	\$ 6,650	\$ 15,161	12.6% of total cost		First \$24,999 - \$9,518	Street Improvements: Res - \$105.51/front ft Comm - \$223.78/front ft Industrial - \$161.08/front ft	Up to \$10k - \$5,586
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 133	\$ -			\$25k-\$49,999 - \$9,518 + 14.5% over \$25k		
	\$ 100,000	base fee @ \$100,000	\$ 13,300	\$ 15,161	10.5% of total cost	\$1 - \$5,999: \$721	\$50k-\$99,999 - \$13,058 + 21.8% over \$50k		
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 118	\$ 57.41			\$100k-\$199,999 - \$23,958 + 12.38% over \$100k		
	\$ 200,000	base fee @ \$200,000	\$ 23,600	\$ 20,902	8.4% of total cost	\$6,000 - \$25,999: \$741 + 9.3% of value greater than \$6,000 \$26,000 - \$100,999: \$2,581 + 11.8% of value greater than \$26,000 \$101,000+: \$11,431 + 9.3% of value greater than \$100,000	\$200k-\$499,999 - \$36,332 + 7.98% over \$200k	Street Curbing: \$38.49/ front ft Sidewalk: \$15.35/sf Sanitary Sewers: \$38.37/front ft Storm Drains: \$38.37/front ft	\$10,001-\$50k - \$5,586 + 35% of cost > \$10k \$50,001-\$1 mil - \$19,586 + 5% of cost > \$50k \$1 mil+ - \$57,586 + 2% of cost > \$1 mil
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 103	\$ 18.52			\$100k-\$199,999 - \$23,958 + 12.38% over \$100k		
	\$ 500,000	base fee @ \$500,000	\$ 51,500	\$ 26,459			\$200k-\$499,999 - \$36,332 + 7.98% over \$200k		
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 88	\$ 10.22			\$500k-\$999,999 - \$60,201 + 6.90% over \$500k		
	\$ 1,000,000	base fee @ \$1,000,000	\$ 88,000	\$ 31,569			\$1,000,000+ - \$94,786 + 5.63% over \$1mm		
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 88	\$ 2.90					
	\$ 5,000,000	base fee @ \$5,000,000	\$ 440,000	\$ 43,184					
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 88	\$ 8.64					
2	Public Improvement - Inspection								
	\$ 50,000	base fee up to \$50,000	n/a	\$ 20,129	12.6% of total cost		First \$24,999 - \$9,518	Street Improvements: Res - \$105.51/front ft Comm - \$223.78/front ft Industrial - \$161.08/front ft	Up to \$10k - \$5,586
	each additional \$1,000 or fraction thereof	each add'l \$1,000	n/a	\$ -			\$25k-\$49,999 - \$9,518 + 14.5% over \$25k		
	\$ 100,000	base fee @ \$100,000	n/a	\$ 20,129	10.5% of total cost	\$1 - \$5,999: \$721	\$50k-\$99,999 - \$13,058 + 21.8% over \$50k		
	each additional \$1,000 or fraction thereof	each add'l \$1,000	n/a	\$ 124.22			\$100k-\$199,999 - \$23,958 + 12.38% over \$100k		
	\$ 200,000	base fee @ \$200,000	n/a	\$ 32,551	8.4% of total cost	\$6,000 - \$25,999: \$741 + 9.3% of value greater than \$6,000 \$26,000 - \$100,999: \$2,581 + 11.8% of value greater than \$26,000 \$101,000+: \$11,431 + 9.3% of value greater than \$100,000	\$200k-\$499,999 - \$36,332 + 7.98% over \$200k	Street Curbing: \$38.49/ front ft Sidewalk: \$15.35/sf Sanitary Sewers: \$38.37/front ft Storm Drains: \$38.37/front ft	\$10,001-\$50k - \$5,586 + 35% of cost > \$10k \$50,001-\$1 mil - \$19,586 + 5% of cost > \$50k \$1 mil+ - \$57,586 + 2% of cost > \$1 mil
	each additional \$1,000 or fraction thereof	each add'l \$1,000	n/a	\$ 118.85			\$100k-\$199,999 - \$23,958 + 12.38% over \$100k		
	\$ 500,000	base fee @ \$500,000	n/a	\$ 68,207			\$200k-\$499,999 - \$36,332 + 7.98% over \$200k		
	each additional \$1,000 or fraction thereof	each add'l \$1,000	n/a	\$ 105.36			\$500k-\$999,999 - \$60,201 + 6.90% over \$500k		
	\$ 1,000,000	base fee @ \$1,000,000	n/a	\$ 120,886			\$1,000,000+ - \$94,786 + 5.63% over \$1mm		
	each additional \$1,000 or fraction thereof	each add'l \$1,000	n/a	\$ 16.85					
	\$ 5,000,000	base fee @ \$5,000,000	n/a	\$ 188,288					
	each additional \$1,000 or fraction thereof	each add'l \$1,000	n/a	\$ 37.66					

City of Morgan Hill					Comparison Agencies				
Fee No.	Fee Name	Fee Unit / Type	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
3	GIS / Technology Fee	flat	5% of Public Improvement Fee	5% of Public Improvement Fee	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
4	Map Check								
	Parcel Map	flat	\$ 6,029	\$ 8,725	\$2,035 + \$630/lot	no comparison available	1 Lot for Condos: \$7,035 Parcel Map w/Tent Map: \$6,367 Parcel Map w/o Tent Map: \$7,206	\$ 7,760	\$ 6,055
	Tract Map/Subdivision Map (Service No. 149)	flat	\$ 9,627	\$ 10,309	\$1,755 + \$15.70/lot	no comparison available	1 Lot for Condos: \$7,035 Final Map: 0-2 Lots: \$7,541 2-19 Lots: \$7,541 + \$65/lot >2 20-49 Lots: \$8,737 + \$53/lot >20 50-99 Lots: \$10,330 + \$43/lot >50 100+ Lots: \$12,674 + \$33/lot >100 Vest Sub: \$8,673 min	\$9,875.45 first 5 lots \$449.23/lot >5 lots	Low (1 parcel condo w/5+ units): \$6,556 Medium (5-10 lots): \$7,103 High (11-50 lots): \$8,250 Complex (50+ lots): \$10,927
5	Certificate of Compliance - Lot Line Adjustment / Lot Merger	flat	\$ 3,914	\$ 6,875	\$ 500	\$ 5,055	\$5,850 + \$700	\$ 1,646	\$ 684
6	Parcel Map - Lot Line Adjustment / Lot Merger	flat	\$ 3,151	\$ 7,396	no comparison available	no comparison available	\$2,496 + \$298	\$ 7,063	\$1,962 + \$57.50 per lot
7	Public Easement Review	flat	\$ 2,645	\$ 3,106	no comparison available	no comparison available	\$ 1,172	\$ 5,259	\$ 935
8	Street Vacation	flat	\$ 203	\$ 8,972	no comparison available	General: \$4,056 Summary: \$1,726	Standard: \$4,736 Summary: Street - \$4,008 Easement - \$2,976 With Sale: \$7,917	no comparison available	Summary Vacation: \$2,296 Standard Vacation: \$3,584
9	Easement Abandonment	flat	\$ 4,654	\$ 8,972	no comparison available			no comparison available	Summary Vacation of Public Service Easement: \$1,101
10	Plan Revision (after approval of Public Improvement Plans)	T & M (Min 2 hrs)	\$ 530	\$ 230	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
11	Reimbursement Agreement	flat	\$ 2,292	\$ 4,946	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available

City of Morgan Hill					Comparison Agencies				
Fee No.	Fee Name	Fee Unit / Type	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
12	FEMA Compliance								
	Base Fee								
	New Structure	flat	\$ 423	\$ 965	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	New Accessory Structure and New ADU	flat	\$ 423	\$ 735	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	Improvement of Existing Structure								
	Non-Substantial Improvement without Detailed Review	per structure	\$ 423	\$ 549	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	Non-Substantial Improvement with Detailed Review	per structure	\$ 423	\$ 779					
	Substantial Improvement (other than accessory structure)	per structure	\$ 423	\$ 1,252					
	Substantial Improvement of Accessory Structure and ADU	per structure	\$ 423	\$ 850					
	Additional Review Fees								
	Elevation Certificate Review	per structure	NEW	\$ 633	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	Flood Field Inspection	flat	NEW	\$ 575					
	Flood Study Review with Valley Water Coordination	flat	NEW	\$ 1,495					
	Review of CLOMR/CLOMR-F/LOMR/LOMR-F	flat	\$ 2,328	\$ 920					
	Public Outreach for LOMR/LOMR-F	flat	\$ 847	\$ 1,380					
	Review of BFE Determination for Zone A without a BFE or Zone D	flat	NEW	\$ 460					
13	Stormwater Runoff Management Plan Review								
	Tier 1 Project	flat	NEW	\$ 2,645	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	Tier 2 Project	flat	\$ 2,963	\$ 6,901					
	Tier 3 Project	flat	NEW	\$ 9,892					
	Tier 4 Project	flat	NEW	\$ 11,962					
14	Erosion & Sediment Control/Stormwater Pollution Prevention Plan (SWPPP) Review & Compliance								
	Type 1 & Type 2 Projects								
	< 1 Acre in Soil Disturbance	flat	\$ 787	\$ 518	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	1+ Acre in Soil Disturbance	flat	\$ 1,269	\$ 863					
	Type 3 Projects	flat	NEW	\$ 403					
	Type 4 Projects	flat	NEW	\$ 288					
15	Stormwater Construction Inspections								
	Type 1 & Type 2 Projects								
	< 1 Acre in Soil Disturbance	flat	\$ 12,695	\$ 9,179	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	1+ Acre in Soil Disturbance	flat	\$ 12,695	\$ 16,367					
	Type 3 Projects	flat	\$ 68	\$ 93					
	Type 4 Projects	flat	\$ 68	\$ 93					
16	Stormwater BMP Operations & Maintenance Agreement	flat	NEW	\$ 2,070	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
17	Private Sanitary Sewer Agreement	flat	NEW	\$ 2,645	no comparison available	no comparison available	no comparison available	\$ 8,844	no comparison available

City of Morgan Hill					Comparison Agencies				
Fee No.	Fee Name	Fee Unit / Type	Current Fee / Deposit	Full Cost Recovery	Gilroy	Palo Alto	San Jose	Santa Clara	Sunnyvale
18	Assessment District Reapportionment								
	City Staff	flat	NEW	\$ 2,760	no comparison available	no comparison available	no comparison available	\$ 8,640	Actual Cost
	Contractor Costs	actual costs	\$ 5,000	Actual Costs	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
19	Preliminary Review on Projects / Engineering Services	flat	\$ 2,030	\$ 2,300	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
20	Additional Plan Review (after 3rd submittal)	hourly (min 2 hrs)	\$ 203	\$ 230	\$185/hr (2 hr min)	no comparison available	no comparison available	no comparison available	no comparison available
21	Re-Inspection Fee	hourly (min 4 hrs)	\$ 203	\$ 230	\$ 125	no comparison available	no comparison available	no comparison available	\$ 212
22	Complexity Fee	flat	\$ 2,436	\$ 2,760	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
23	FEMA Community Rating System (CRS) Annual Reporting	flat	NEW	\$ 12,422	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
24	Agreement Extensions / Improvement Agreement Amendments								
	With City Manager Approval	flat	NEW	\$ 2,876	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
	With City Council Approval	flat	NEW	\$ 4,371	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
25	Citywide Inspection for Construction or Stormwater Improvements	flat	See Stormwater Construction Inspection	See Stormwater Construction Inspection	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
26	Building Grading Support	flat	Included in Public Improvement Plan Check	Included in Public Improvement Plan Check	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
27	NPDES - above and below 1 acre. Put in tier.	flat	See Stormwater Construction Inspection	See Stormwater Construction Inspection	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
28	Private Street Review	flat	Included in Public Improvement Plan Check	Included in Public Improvement Plan Check	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
29	Preliminary Fee Estimate	flat	\$ 305	\$ 345	no comparison available	no comparison available	no comparison available	no comparison available	no comparison available
30	For services requested of City staff which have no fee listed in this fee schedule								
	During Business Hours	per hour	\$ 255	\$ 230	\$ 185	no comparison available	\$ 167	no comparison available	no comparison available
	After Business Hours	per hour	\$ 255	\$ 265	\$475 + \$160/hr after 3 hours	\$ 278	\$ 167	no comparison available	Actual Cost

City of Morgan Hill

Planning - User Fee Study FY 2021

Schedule of Proposed Fee at Full Cost Recovery vs Current Fee

No.	Fee Description	Cost of Service Per Activity/ Proposed Fee	Current Fee	Existing Cost Recovery %	Percentage Increase/ Decrease
PLANNING DEPARTMENT					
1	ANNEXATION	\$ 24,587	\$ 12,357	50%	99%
1.2	LAFCO Processing	\$ 28,167	\$ 10,696	38%	163%
	Plus additional fees collected by other agencies	LAFCO fee \$1,154 plus SBE fees	LAFCO fee \$1,154 plus SBE fees		
2	APPEALS				
	Commission/Board Decisions				
2.1	Applicant Appeal	\$ 8,316	\$ 6,905	83%	20%
2.2	Public Appeal	\$ 8,316	\$ 544	7%	1429%
	Staff Decisions				
2.1	Applicant Appeal	\$ 6,802	\$ 5,699	84%	19%
2.2	Public Appeal	\$ 6,802	\$ 544	8%	1150%
3	APPROVAL AMENDMENT				
3.1	Major Approval Amendment (Non Admin - s/b Major)	\$ 12,682	\$ 8,209	65%	54%
3.2	Minor Approval Amendment (Admin - s/b Minor)	\$ 7,101	\$ 4,505	63%	58%
4	CC&Rs				
4.1	CC&Rs	\$ 1,160	\$ 522	45%	122%
	Plus City Attorney Fees	Actual Cost	Actual Cost		
4.2	Other Agreements / Documents Review	\$ 469	\$ 522	111%	-10%
	Plus City Attorney Fees	Actual Cost	Actual Cost		
5	CONTRACT PLANNING SERVICES				
	Consultant Portion	Actual Cost	Actual Cost		
	City's Portion	15%	15%		
	GIS/Tech	5%	5%		
6	CULTURAL RESOURCES				
6.1	Alteration (Major - \$10,000+ valuation) (plus Planning Commission costs)	\$ 5,047	\$ 1,304	26%	287%
6.2	Alteration (Minor - under \$10,000 valuation) (plus Planning Commission costs)	\$ 352	\$ 391	111%	-10%
6.3	Demolition or Relocation (Formerly Alteration)	\$ 5,737	\$ 5,719	100%	0%

City of Morgan Hill

Planning - User Fee Study FY 2021

Schedule of Proposed Fee at Full Cost Recovery vs Current Fee

No.	Fee Description	Cost of Service Per Activity/ Proposed Fee	Current Fee	Existing Cost Recovery %	Percentage Increase/ Decrease
6.4	Designation	\$ 7,511	\$ 8,348	111%	-10%
7	DESIGN PERMIT				
7.1	Landscape Plan Review Only	\$ 2,347	\$ 2,609	111%	-10%
7.2	Non-Residential Design Permit (Major)	\$ 17,418	\$ 7,968	46%	119%
7.3	Non-Residential Design Permit (Minor)	\$ 9,574	\$ 4,917	51%	95%
7.4	Plan Detail Review (misc. site details, e.g., lighting, trash encl.)	\$ 1,976	\$ 2,198	111%	-10%
7.5	Residential Design Permit - 6 units or less	\$ 11,624	\$ 7,446	64%	56%
7.6	Residential Design Permit - 7 units to 15 units	\$ 14,412	\$ 9,494	66%	52%
7.7	Residential Design Permit - 16 or more units each additional 25 units	\$ 18,107	\$ 11,803	65%	53%
7.8	Site Plan Only (no new square footage)	\$ 6,286	\$ 6,102	97%	3%
8	DESIGN REVIEW (PRELIMINARY PLAN REVIEW)				
8.1	Conceptual Plan Review (Staff)	\$ 6,232	\$ 4,603	74%	35%
8.2	Non-Residential (Major) Preliminary Plan Review to PC	\$ 9,914	\$ 8,490	86%	17%
8.3	Non-Residential (Minor) Preliminary Plan Review to PC	\$ 6,877	\$ 5,438	79%	26%
8.4	Residential SB330 Preliminary Application Review (staff)	\$ 12,673	\$ 11,437	90%	11%
8.5	Residential - 6 units or less Preliminary Plan Review to PC	\$ 7,509	\$ 5,359	71%	40%
8.6	Residential - 7 units or more Preliminary Plan Review to PC	\$ 10,776	\$ 8,191	76%	32%
9	DEVELOPMENT AGREEMENT/RDCS				
9.1	Non Residential Development Agreement	\$ 12,206	\$ 7,043	58%	73%
	Residential Development Agreement				
9.2	Filed Concurrent with Other Entitlement Applications	\$ 12,206	\$ 10,957	90%	11%
9.3	Filed Alone - Non Concurrent with Other Applications (Includes RDCS Compliance Monitoring 0 - 3 Yrs.)	\$ 13,379	\$ 12,261	92%	9%
9.4	RDCS Compliance Monitoring - each year after 3 years	\$ 2,347	\$ 2,609	111%	-10%
10	ENVIRONMENTAL REVIEW (CEQA)				
10.1	Environmental Impact Report	\$ 25,966	\$ 22,120	85%	17%
10.2	Expanded Initial Study	\$ 14,966	\$ 16,221	108%	-8%

City of Morgan Hill

Planning - User Fee Study FY 2021

Schedule of Proposed Fee at Full Cost Recovery vs Current Fee

No.	Fee Description	Cost of Service Per Activity/ Proposed Fee	Current Fee	Existing Cost Recovery %	Percentage Increase/ Decrease
10.3	Historic Assessments - Historical Consultant (Deposit)	Actual Cost	Actual Cost		
10.4	Historic Assessments - Staff-level	\$ 4,648	\$ 2,609	56%	78%
10.5	Initial Environmental Assessment	\$ 2,108	\$ 2,308	109%	-9%
10.6	Mitigation Monitoring and Reporting Program (Per Year)	\$ 1,174	\$ 1,304	111%	-10%
11	EXTENSION OF TIME FOR APPROVALS				
11.1	Administrative	\$ 1,995	\$ 2,217	111%	-10%
11.2	Non Administrative	\$ 3,580	\$ 3,457	97%	4%
12	GENERAL PLAN AMENDMENT				
12.1	Land Use Diagram Amendment	\$ 16,511	\$ 17,333	105%	-5%
12.2	Text Amendment	\$ 9,352	\$ 7,080	76%	32%
13	HABITAT PLAN FEES (SC VALLEY)				
13.1	Habitat Plan Related Reviews	\$ 469	\$ 522	111%	-10%
14	HOUSING IN-LIEU FEE				
15	MINOR EXCEPTION	\$ 2,990	\$ 3,306	111%	-10%
16	OPEN SPACE IN-LIEU FEE (Per 20 Dwellings)				
17	OUT OF AGENCY CONTRACT FOR SERVICES				
17.1	City staff	\$ 9,800	\$ 10,892	111%	-10%
	Plus additional fees collected by other agencies	Actual Costs	Actual Costs		
18	PLANNING CONSULTATION - hourly	\$ 235	\$ 261	111%	-10%
19	REFUNDABLE DEPOSITS	Determined by Planning Director - billed at hourly rate	Determined by Planning Director - billed at hourly rate		
19	RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS)				
19.1	Preliminary Measure S Review	\$ 6,920	\$ 8,541	123%	-19%
19.2	Final Measure S Review (RDCS)	\$ 29,496	\$ 31,534	107%	-6%

City of Morgan Hill

Planning - User Fee Study FY 2021

Schedule of Proposed Fee at Full Cost Recovery vs Current Fee

No.	Fee Description	Cost of Service Per Activity/ Proposed Fee	Current Fee	Existing Cost Recovery %	Percentage Increase/ Decrease
19.3	RDCS Extension	\$ 3,974	\$ 4,296	108%	-7%
19.4	RDCS Appeal	\$ 8,084	\$ 8,881	110%	-9%
20	RESIDENTIAL PRIVATE LIVESTOCK PERMIT	\$ 2,113	\$ 761	36%	178%
21	REVERSION TO ACREAGE PROCESSING	\$ 2,934	\$ 3,261	111%	-10%
22	SIGN REVIEW				
22.1	Alteration to existing Sign	\$ 176	\$ 391	222%	-55%
22.2	Sign Review Over the Counter - Copy Change	\$ 235	\$ 261	111%	-10%
22.3	New Sign Permit - First Sign	\$ 352	\$ 391	111%	-10%
22.4	Each additional Sign	\$ 117	\$ 130	111%	-10%
22.5	New Sign within a Master Sign Program	\$ 176	\$ 196	111%	-10%
22.6	Subdivision/Real Estate Tract Signs	\$ 704	\$ 783	111%	-10%
22.7	Temporary/Promotional Signs	\$ 59	\$ 65	111%	-10%
22.8	Uniform Sign Program	\$ 3,404	\$ 3,783	111%	-10%
23	SUBDIVISION				
23.1	Tentative Parcel Map Review - 4 lots or less	\$ 6,774	\$ 4,948	73%	37%
	Tentative Subdivision Map Review				
23.2	5 to 15 lots	\$ 9,093	\$ 6,434	71%	41%
23.3	16 - 25 lots	\$ 11,431	\$ 8,072	71%	42%
23.4	26 lots or more - each additional 25 lots	\$ 14,229	\$ 8,072	57%	76%
24	TRANSFER DEVELOPMENT CREDIT (TDC)				
24.1	Application Fee	\$ 8,333	\$ 9,261	111%	-10%
25	TREE REMOVAL PERMIT	\$ 1,350	\$ 109	8%	1138%
26	URBAN SERVICE AREA AMENDMENT				
26.1	City Processing	\$ 15,220	\$ 15,511	102%	-2%
26.2	LAFCO Processing	\$ 28,167	\$ 26,434	94%	7%
26.3	Plus Additional Fees Collected by Other Agencies	LAFCO fee \$11,574 plus Actual Costs	LAFCO fee \$11,574 plus Actual Costs		

City of Morgan Hill

Planning - User Fee Study FY 2021

Schedule of Proposed Fee at Full Cost Recovery vs Current Fee

No.	Fee Description	Cost of Service Per Activity/ Proposed Fee	Current Fee	Existing Cost Recovery %	Percentage Increase/ Decrease
27	USE PERMIT				
27.1	Administrative Use Permit	\$ 7,130	\$ 1,201	17%	494%
	Conditional Use Permit				
27.2	New Construction	\$ 11,293	\$ 9,533	84%	18%
27.3	No New Construction	\$ 10,833	\$ 9,091	84%	19%
27.4	Temporary Use Permit	\$ 5,734	\$ 3,025	53%	90%
27.5	Temporary Use Permit (Non-Profit)	\$ 4,124	\$ 100	2%	4024%
27.6	Temporary Use Permit Amendment	\$ 3,067	\$ 1,196	39%	156%
28	VARIANCE	\$ 10,052	\$ 8,514	85%	18%
29	WILLIAMSON ACT				
29.1	Cancellation	\$ 11,267	\$ 12,522	111%	-10%
29.2	New	\$ 6,103	\$ 3,131	51%	95%
29.3	Non-Renewal	\$ 939	\$ 1,044	111%	-10%
30	ZONING REQUESTS				
30.1	Planned Development	\$ 16,749	\$ 10,629	63%	58%
30.2	Residential Planned Development Review	\$ 16,375	\$ 13,186	81%	24%
30.3	Residential Planned Development (if processed concurrently with subdivision)	\$ 10,314	\$ 9,142	89%	13%
30.4	Zoning Map Amendment Review	\$ 11,023	\$ 8,557	78%	29%
30.5	Zoning Map Amendment Review (If processed concurrently with GPA or ANX)	\$ 8,910	\$ 3,241	36%	175%
30.6	Zoning Text Amendment Review	\$ 11,727	\$ 10,980	94%	7%
30.7	Zoning Confirmation Letter	\$ 1,526	\$ 1,696	111%	-10%
31	PUBLIC HEARINGS AND NOTICES				
31.1	City Council Meeting	\$ 2,103	\$ 2,268	108%	-7%
31.2	LAFCO Meeting - each additional	\$ 1,643	\$ 1,826	111%	-10%
31.3	Planning Commission Meeting	\$ 2,221	\$ 2,178	98%	2%
	Public Noticing				
31.4	Up to 50	\$ 59	\$ 66	112%	-11%
31.5	Over 50	\$ 59	\$ 78	133%	-25%

City of Morgan Hill

Planning - User Fee Study FY 2021

Schedule of Proposed Fee at Full Cost Recovery vs Current Fee

No.	Fee Description	Cost of Service Per Activity/ Proposed Fee	Current Fee	Existing Cost Recovery %	Percentage Increase/ Decrease
31.6	Envelopes	Actual Costs	Actual Costs		
31.7	Postage	Actual Costs	Actual Costs		
31.8	Public Noticing (publication)	\$ 1,760	\$ -	0%	NEW
32	OTHER SERVICE CHARGES				
32.1	Annual Charge for Entire PC Packet	\$ 122	\$ 122.00		
32.3	Document Printing/Copying (per page)	\$ 0.10	\$ 0.10		
32.4	Oversized Copy 24X36 (per page)	\$ 2.26	\$ 2.26		
32.5	Oversized Copy 18X26 (per page)	\$ 2.01	\$ 2.01		
32.6	Oversized Copy 24X36 (Color) (per page)	\$ 2.93	\$ 2.93		
32.7	Oversized Copy 11X17 (per page)	\$ 0.55	\$ 0.55		
32.8	Other Oversized Copies	n/a	n/a		
32.9	Electronic Search of the Public Records	see City Clerk	see City Clerk		
32.1	Record Research Service (Deposit Required) - hourly	\$ 235	\$ 251	107%	-6%
33	MAPS				
33.1	General Plan (Color)	\$ 13	\$ 13.00		
33.2	Zoning and Boundary	\$ 8	\$ 8.00		
34	Business License Zoning Review				
34.1	Home Based Business	\$ 117	\$ 130	111%	-10%
34.2	All Other Types	\$ 117	\$ 130	111%	-10%
35	For services requested of City staff which have no fee listed in this fee schedule				
35.1	During Business Hours	\$ 235	\$ 251	107%	-6%
35.2	After Business Hours	\$ 270	\$ 251	93%	7%

City of Morgan Hill

Land Development Engineering - User Fee Study FY 2021

Schedule of Proposed Fee at Full Cost Recovery vs Current Fee

No.	Fee Description	Fee Unit Type	Cost of Service Per Activity/ Proposed Fee	Current Fee	Existing Cost Recovery %	Percentage Increase/ Decrease
Land Development Engineering						
1	Public Improvement - Plan Check					
	\$ 50,000	base fee up to \$50,000	\$ 15,161	\$ 6,650	44%	128%
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ -	133.00	0%	-100%
	\$ 100,000	base fee @ \$100,000	\$ 15,161	\$ 13,300	88%	14%
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 57.41	118.00	206%	-51%
	\$ 200,000	base fee @ \$200,000	\$ 20,902	\$ 23,600	113%	-11%
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 18.52	103.00	556%	-82%
	\$ 500,000	base fee @ \$500,000	\$ 26,459	\$ 51,500	195%	-49%
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 10.22	88.00	861%	-88%
	\$ 1,000,000	base fee @ \$1,000,000	\$ 31,569	\$ 88,000	279%	-64%
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 2.90	88.00	3030%	-97%
	\$ 5,000,000	base fee @ \$5,000,000	\$ 43,184	\$ 440,000	1019%	-90%
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 8.64	88.00	1019%	-90%
2	Public Improvement - Inspection					
	\$ 50,000	base fee up to \$50,000	\$ 20,129	n/a	0%	NEW
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ -	n/a	0%	
	\$ 100,000	base fee @ \$100,000	\$ 20,129	n/a	0%	NEW
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 124.22	n/a	0%	NEW
	\$ 200,000	base fee @ \$200,000	\$ 32,551	n/a	0%	NEW
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 118.85	n/a	0%	NEW
	\$ 500,000	base fee @ \$500,000	\$ 68,207	n/a	0%	NEW
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 105.36	n/a	0%	NEW
	\$ 1,000,000	base fee @ \$1,000,000	\$ 120,886	n/a	0%	NEW
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 16.85	n/a	0%	NEW

City of Morgan Hill

Land Development Engineering - User Fee Study FY 2021

Schedule of Proposed Fee at Full Cost Recovery vs Current Fee

No.	Fee Description	Fee Unit Type	Cost of Service Per Activity/ Proposed Fee	Current Fee	Existing Cost Recovery %	Percentage Increase/ Decrease
	\$ 5,000,000	base fee @ \$5,000,000	\$ 188,288	n/a	0%	NEW
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 37.66	n/a	0%	NEW
3	GIS / Technology Fee	flat	5% of Public Improvement Fee	5% of Public Improvement Fee		
4	Map Check					
	Parcel Map	flat	\$ 8,725	\$ 6,029	69%	45%
	Tract Map/Subdivision Map (Service No. 149)	flat	\$ 10,309	\$ 9,627	93%	7%
5	Certificate of Compliance - Lot Line Adjustment / Lot Merger	flat	\$ 6,875	\$ 3,914	57%	76%
6	Parcel Map - Lot Line Adjustment / Lot Merger	flat	\$ 7,396	\$ 3,151	43%	135%
7	Public Easement Review	flat	\$ 3,106	\$ 2,645	85%	17%
8	Street Vacation	flat	\$ 8,972	\$ 203	2%	4319%
9	Easement Abandonment	flat	\$ 8,972	\$ 4,654	52%	93%
10	Plan Revision (after approval of Public Improvement Plans)	T & M (Min 2 hrs)	\$ 230	\$ 530	230%	-57%
11	Reimbursement Agreement	flat	\$ 4,946	\$ 2,292	46%	116%
12	FEMA Compliance					
	Base Fee					
	New Structure	flat	\$ 965	\$ 423	44%	128%
	New Accessory Structure and New ADU	flat	\$ 735	\$ 423	58%	74%
	Improvement of Existing Structure					
	Non-Substantial Improvement without Detailed Review	per structure	\$ 549	\$ 423	77%	30%
	Non-Substantial Improvement with Detailed Review	per structure	\$ 779	\$ 423	54%	84%
	Substantial Improvement (other than accessory structure)	per structure	\$ 1,252	\$ 423	34%	196%
	Substantial Improvement of Accessory Structure and ADU	per structure	\$ 850	\$ 423	50%	101%
	Additional Review Fees					
	Elevation Certificate Review	per structure	\$ 633	NEW	0%	NEW
	Flood Field Inspection	flat	\$ 575	NEW	0%	NEW
	Flood Study Review with Valley Water Coordination	flat	\$ 1,495	NEW	0%	NEW
	Review of CLOMR/CLOMR-F/LOMR/LOMR-F	flat	\$ 920	\$ 2,328	253%	-60%
	Public Outreach for LOMR/LOMR-F	flat	\$ 1,380	\$ 847	61%	63%
	Review of BFE Determination for Zone A without a BFE or Zone D	flat	\$ 460	NEW	0%	NEW
13	Stormwater Runoff Management Plan Review					
	Tier 1 Project	flat	\$ 2,645	NEW	0%	NEW
	Tier 2 Project	flat	\$ 6,901	\$ 2,963	43%	133%
	Tier 3 Project	flat	\$ 9,892	NEW	0%	NEW

City of Morgan Hill

Land Development Engineering - User Fee Study FY 2021

Schedule of Proposed Fee at Full Cost Recovery vs Current Fee

No.	Fee Description	Fee Unit Type	Cost of Service Per Activity/ Proposed Fee	Current Fee	Existing Cost Recovery %	Percentage Increase/ Decrease
	Tier 4 Project	flat	\$ 11,962	NEW	0%	NEW
14	Erosion & Sediment Control/Stormwater Pollution Prevention Plan (SWPPP) Review & Compliance					
	Type 1 & Type 2 Projects					
	< 1 Acre in Soil Disturbance	flat	\$ 518	\$ 787	152%	-34%
	1+ Acre in Soil Disturbance	flat	\$ 863	\$ 1,269	147%	-32%
	Type 3 Projects	flat	\$ 403	NEW	0%	NEW
	Type 4 Projects	flat	\$ 288	NEW	0%	NEW
15	Stormwater Construction Inspections					
	Type 1 & Type 2 Projects					
	< 1 Acre in Soil Disturbance	flat	\$ 9,179	\$ 12,695	138%	-28%
	1+ Acre in Soil Disturbance	flat	\$ 16,367	\$ 12,695	78%	29%
	Type 3 Projects	flat	\$ 93	\$ 68	73%	37%
	Type 4 Projects	flat	\$ 93	\$ 68	73%	37%
16	Stormwater BMP Operations & Maintenance Agreement	flat	\$ 2,070	NEW	0%	NEW
17	Private Sanitary Sewer Agreement	flat	\$ 2,645	NEW	0%	NEW
18	Assessment District Reapportionment					
	City Staff	flat	\$ 2,760	NEW	0%	NEW
	Contractor Costs	actual costs	Actual Costs	\$ 5,000		
19	Preliminary Review on Projects / Engineering Services	flat	\$ 2,300	\$ 2,030	88%	13%
20	Additional Plan Review (after 3rd submittal)	hourly (min 2 hrs)	\$ 230	\$ 203	88%	13%
21	Re-Inspection Fee	hourly (min 4 hrs)	\$ 230	\$ 203	88%	13%
22	Complexity Fee	flat	\$ 2,760	\$ 2,436	88%	13%
23	FEMA Community Rating System (CRS) Annual Reporting	flat	\$ 12,422	NEW	0%	NEW
24	Agreement Extensions / Improvement Agreement Amendments					
	With City Manager Approval	flat	\$ 2,876	NEW	0%	NEW
	With City Council Approval	flat	\$ 4,371	NEW	0%	NEW
25	Citywide Inspection for Construction or Stormwater Improvements	flat	See Stormwater Construction Inspection	See Stormwater Construction Inspection		

City of Morgan Hill

Land Development Engineering - User Fee Study FY 2021

Schedule of Proposed Fee at Full Cost Recovery vs Current Fee

No.	Fee Description	Fee Unit Type	Cost of Service Per Activity/ Proposed Fee	Current Fee	Existing Cost Recovery %	Percentage Increase/ Decrease
26	Building Grading Support	flat	Included in Public Improvement Plan Check	Included in Public Improvement Plan Check		
27	NPDES - above and below 1 acre. Put in tier.	flat	See Stormwater Construction Inspection	See Stormwater Construction Inspection		
28	Private Street Review	flat	Included in Public Improvement Plan Check	Included in Public Improvement Plan Check		
29	Preliminary Fee Estimate	flat	\$ 345	\$ 305	88%	13%
30	For services requested of City staff which have no fee listed in this fee schedule					
	During Business Hours	per hour	\$ 230	\$ 255	111%	-10%
	After Business Hours	per hour	\$ 265	\$ 255	96%	4%

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ESTABLISHING NEW AND UPDATED PLANNING AND LAND DEVELOPMENT ENGINEERING FEES

WHEREAS, the City Council, pursuant to Section 3.50.010 of the Morgan Hill Municipal Code (“Code”), requires the recovery of costs reasonably born from fees and charges levied in providing the regulation, products or services enumerated in Code Chapter 3.50 – Fee and Service Charge Revenue/Cost Comparison System; and

WHEREAS, the City of Morgan Hill has conducted a fee study to calculate the costs reasonably borne to provide the specified Planning and Land Development Engineering services prepared by NBS Government Finance Group, which study has been available to the public for at least ten (10) days prior to the adoption of this Resolution; and

WHEREAS, a virtual public meeting were held with members of the development community on January 6, 2022; and

WHEREAS, the proposed establishment of the fees that are the subject of this Resolution was agendized for consideration by the City Council of the City of Morgan Hill at a duly noticed public hearing of the Council held on January 19, 2022 at which hearing all interested persons were afforded an opportunity to be heard on said proposed fees; and

WHEREAS, the Council heard all relevant testimony and reviewed all written materials submitted in connection with its hearing on this Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

1. The City Council has conducted an extensive analysis of its Planning and Land Development Engineering Fees, including the cost to the City for special services and development applications and the revenues produced by those paying Planning and Land Development Engineering Fees; and
2. Current Planning and Land Development Engineering Fees charged for the City's Services do not adequately recoup the City's costs of providing certain Services; and
3. The City Council finds that providing these Services is of special benefit to Applicants both separate and apart from the general benefit to the public; and therefore, in the interests of fairness to the general public, the City desires to better recover the costs of providing these Services from Applicants who have sought the City's Services by revising its schedule of City-Wide Fees; and
4. The proposed Planning and Land Development Engineering Fees are initially based

upon the information contained in a document by City staff and Consultant entitled "City of Morgan Hill Report For Comprehensive Fee Study of Planning and Land Development Engineering", dated December 13, 2021; and

5. Based upon the analysis and the provided information, the City (i) identifies the purpose of the proposed fees, (ii) identifies the use to which the fees will be put, (iii) demonstrates a reasonable relationship between the fees' use and the types of services on which the fees are imposed, and (iv) demonstrates a reasonable relationship between the amount of the fees and the cost of the City's services attributable to the applications on which the fees are imposed; and
6. The City Council finds and determines the fees calculations utilized to establish new and updated Planning and Land Development Engineering fees will not cause fee revenues to exceed the estimated cost reasonably borne of providing the services which the fees are levied; and
7. The City Council hereby adopts and approves the establishment of new and updated Planning and Land Development Engineering fees as set forth in attached **Exhibit A** and incorporated by this reference; and
8. The City Council finds and determines that it is reasonable to continue to annually adjust the fees set forth in Schedule by the Consumer Price Index for Urban Wage Earners and Clerical Workers for the San Francisco, Oakland and San Jose Area, and hereby instructs, authorizes and directs the City Manager or his/her designee to so annually adjust the applicable fees as set forth Resolution 6503 adopted January 18, 2012; and
9. The City Manager or his/her designee is hereby authorized and directed to amend the City Fee Schedule to reflect the fees as set forth in **Exhibit A**.
10. Effective Date. This Resolution shall take effect upon its adoption; provided, however, that the New and Updated Planning and Land Development Engineering Fees established hereunder shall first be imposed and collected sixty (60) days from the date of adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 19th day of January, 2022.

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. _____, adopted by the City Council at a regular meeting held on January 19, 2022.

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

DATE: _____

Michelle Bigelow, City Clerk

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Proposed Fee
	PLANNING DEPARTMENT	
1	ANNEXATION	\$ 24,587
1.2	LAFCO Processing	\$ 28,167
	Plus additional fees collected by other agencies	LAFCO fee \$1,154 plus SBE fees
2	APPEALS	
	Commission/Board Decisions	
2.1	Applicant Appeal	\$ 8,316
2.2	Public Appeal	\$ 544
	Staff Decisions	
2.1	Applicant Appeal	\$ 6,802
2.2	Public Appeal	\$ 544
3	APPROVAL AMENDMENT	
3.1	Major Approval Amendment (Non Admin - s/b Major)	\$ 12,682
3.2	Minor Approval Amendment (Admin - s/b Minor)	\$ 7,101
4	CC&Rs	
4.1	CC&Rs	\$ 1,160
	Plus City Attorney Fees	Actual Cost
4.2	Other Agreements / Documents Review	\$ 469
	Plus City Attorney Fees	Actual Cost
5	CONTRACT PLANNING SERVICES	
	Consultant Portion	Actual Cost
	City's Portion	15%
	GIS/Tech	5%
6	CULTURAL RESOURCES	
6.1	Alteration (Major - \$10,000+ valuation) (plus Planning Commission costs)	\$ 5,047

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Proposed Fee
6.2	Alteration (Minor - under \$10,000 valuation) (plus Planning Commission costs)	\$ 352
6.3	Demolition or Relocation (Formerly Alteration)	\$ 5,737
6.4	Designation	\$ 7,511
7	DESIGN PERMIT	
7.1	Landscape Plan Review Only	\$ 2,347
7.2	Non-Residential Design Permit (Major)	\$ 17,418
7.3	Non-Residential Design Permit (Minor)	\$ 9,574
7.4	Plan Detail Review (misc. site details, e.g., lighting, trash encl.)	\$ 1,976
7.5	Residential Design Permit - 6 units or less	\$ 11,624
7.6	Residential Design Permit - 7 units to 15 units	\$ 14,412
7.7	Residential Design Permit - 16 or more units each additional 25 units	\$ 18,107
7.8	Site Plan Only (no new square footage)	\$ 6,286
8	DESIGN REVIEW (PRELIMINARY PLAN REVIEW)	
8.1	Conceptual Plan Review (Staff)	\$ 6,232
8.2	Non-Residential (Major) Preliminary Plan Review to PC	\$ 9,914
8.3	Non-Residential (Minor) Preliminary Plan Review to PC	\$ 6,877
8.4	Residential SB330 Preliminary Application Review (staff)	\$ 12,673
8.5	Residential - 6 units or less Preliminary Plan Review to PC	\$ 7,509
8.6	Residential - 7 units or more Preliminary Plan Review to PC	\$ 10,776
9	DEVELOPMENT AGREEMENT/RDCS	
9.1	Non Residential Development Agreement	\$ 12,206

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Proposed Fee
	Residential Development Agreement	
9.2	Filed Concurrent with Other Entitlement Applications	\$ 12,206
9.3	Filed Alone - Non Concurrent with Other Applications (Includes RDCS Compliance Monitoring 0 - 3 Yrs.)	\$ 13,379
9.4	RDCS Compliance Monitoring - each year after 3 years	\$ 2,347
10	ENVIRONMENTAL REVIEW (CEQA)	
10.1	Environmental Impact Report	\$ 25,966
10.2	Expanded Initial Study	\$ 14,966
10.3	Historic Assessments - Historical Consultant (Deposit)	Actual Cost
10.4	Historic Assessments - Staff-level	\$ 4,648
10.5	Initial Environmental Assessment	\$ 2,108
10.6	Mitigation Monitoring and Reporting Program (Per Year)	\$ 1,174
11	EXTENSION OF TIME FOR APPROVALS	
11.1	Administrative	\$ 1,995
11.2	Non Administrative	\$ 3,580
12	GENERAL PLAN AMENDMENT	
12.1	Land Use Diagram Amendment	\$ 16,511
12.2	Text Amendment	\$ 9,352
13	HABITAT PLAN FEES (SC VALLEY)	
13.1	Habitat Plan Related Reviews	\$ 469
14	HOUSING IN-LIEU FEE	
15	MINOR EXCEPTION	\$ 2,990
16	OPEN SPACE IN-LIEU FEE (Per 20 Dwellings)	
17	OUT OF AGENCY CONTRACT FOR SERVICES	

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Proposed Fee
17.1	City staff	\$ 9,800
	Plus additional fees collected by other agencies	Actual Costs
18	PLANNING CONSULTATION - hourly	\$ 235
19	REFUNDABLE DEPOSITS	Determined by Planning Director - billed at hourly rate
19	RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS)	
19.1	Preliminary Measure S Review	\$ 6,920
19.2	Final Measure S Review (RDCS)	\$ 29,496
19.3	RDCS Extension	\$ 3,974
19.4	RDCS Appeal	\$ 8,084
20	RESIDENTIAL PRIVATE LIVESTOCK PERMIT	\$ 761
21	REVERSION TO ACREAGE PROCESSING	\$ 2,934
22	SIGN REVIEW	
22.1	Alteration to existing Sign	\$ 176
22.2	Sign Review Over the Counter - Copy Change	\$ 235
22.3	New Sign Permit - First Sign	\$ 352
22.4	Each additional Sign	\$ 117
22.5	New Sign within a Master Sign Program	\$ 176
22.6	Subdivision/Real Estate Tract Signs	\$ 704
22.7	Temporary/Promotional Signs	\$ 59
22.8	Uniform Sign Program	\$ 3,404

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Proposed Fee
23	SUBDIVISION	
23.1	Tentative Parcel Map Review - 4 lots or less	\$ 6,774
	Tentative Subdivision Map Review	
23.2	5 to 15 lots	\$ 9,093
23.3	16 - 25 lots	\$ 11,431
23.4	26 lots or more - each additional 25 lots	\$ 14,229
24	TRANSFER DEVELOPMENT CREDIT (TDC)	
24.1	Application Fee	\$ 8,333
25	TREE REMOVAL PERMIT	\$ 109
26	URBAN SERVICE AREA AMENDMENT	
26.1	City Processing	\$ 15,220
26.2	LAFCO Processing	\$ 28,167
26.3	Plus Additional Fees Collected by Other Agencies	LAFCO fee \$11,574 plus Actual Costs
27	USE PERMIT	
27.1	Administrative Use Permit	\$ 1,201
	Conditional Use Permit	
27.2	New Construction	\$ 11,293
27.3	No New Construction	\$ 10,833
27.4	Temporary Use Permit	\$ 5,734
27.5	Temporary Use Permit (Non-Profit)	\$ 100
27.6	Temporary Use Permit Amendment	\$ 1,196
28	VARIANCE	\$ 10,052
29	WILLIAMSON ACT	
29.1	Cancellation	\$ 11,267
29.2	New	\$ 6,103

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Proposed Fee
29.3	Non-Renewal	\$ 939
30	ZONING REQUESTS	
30.1	Planned Development	\$ 16,749
30.2	Residential Planned Development Review	\$ 16,375
30.3	Residential Planned Development (if processed concurrently with subdivision)	\$ 10,314
30.4	Zoning Map Amendment Review	\$ 11,023
30.5	Zoning Map Amendment Review (If processed concurrently with GPA or ANX)	\$ 8,910
30.6	Zoning Text Amendment Review	\$ 11,727
30.7	Zoning Confirmation Letter	\$ 1,526
31	PUBLIC HEARINGS AND NOTICES	
31.1	City Council Meeting	\$ 2,103
31.2	LAFCO Meeting - each additional	\$ 1,643
31.3	Planning Commission Meeting	\$ 2,221
	Public Noticing	
31.4	Up to 50	\$ 59
31.5	Over 50	\$ 59
31.6	Envelopes	Actual Costs
31.7	Postage	Actual Costs
31.8	Public Noticing (publication)	\$ 1,760
32	OTHER SERVICE CHARGES	
32.1	Annual Charge for Entire PC Packet	\$ 122
32.3	Document Printing/Copying (per page)	\$ 0.10
32.4	Oversized Copy 24X36 (per page)	\$ 2.26
32.5	Oversized Copy 18X26 (per page)	\$ 2.01
32.6	Oversized Copy 24X36 (Color) (per page)	\$ 2.93

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Proposed Fee
32.7	Oversized Copy 11X17 (per page)	\$ 0.55
32.8	Other Oversized Copies	n/a
32.9	Electronic Search of the Public Records	see City Clerk
32.1	Record Research Service (Deposit Required) - hourly	\$ 235
33	MAPS	
33.1	General Plan (Color)	\$ 13
33.2	Zoning and Boundary	\$ 8
34	Business License Zoning Review	
34.1	Home Based Business	\$ 117
34.2	All Other Types	\$ 117
35	For services requested of City staff which have no fee listed in this fee schedule	
35.1	During Business Hours	\$ 235
35.2	After Business Hours	\$ 270

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Fee Unit Type	Proposed Fee
	Land Development Engineering		
1	Public Improvement - Plan Check		
	\$ 50,000	base fee up to \$50,000	\$ 15,161
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ -
	\$ 100,000	base fee @ \$100,000	\$ 15,161
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 57.41
	\$ 200,000	base fee @ \$200,000	\$ 20,902
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 18.52
	\$ 500,000	base fee @ \$500,000	\$ 26,459
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 10.22
	\$ 1,000,000	base fee @ \$1,000,000	\$ 31,569
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 2.90
	\$ 5,000,000	base fee @ \$5,000,000	\$ 43,184
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 8.64
2	Public Improvement - Inspection		
	\$ 50,000	base fee up to \$50,000	\$ 20,129
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ -
	\$ 100,000	base fee @ \$100,000	\$ 20,129
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 124.22
	\$ 200,000	base fee @ \$200,000	\$ 32,551
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 118.85
	\$ 500,000	base fee @ \$500,000	\$ 68,207
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 105.36
	\$ 1,000,000	base fee @ \$1,000,000	\$ 120,886

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Fee Unit Type	Proposed Fee
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 16.85
	\$ 5,000,000	base fee @ \$5,000,000	\$ 188,288
	each additional \$1,000 or fraction thereof	each add'l \$1,000	\$ 37.66
3	GIS / Technology Fee	flat	5% of Public Improvement Fee
4	Map Check		
	Parcel Map	flat	\$ 8,725
	Tract Map/Subdivision Map (Service No. 149)	flat	\$ 10,309
5	Certificate of Compliance - Lot Line Adjustment / Lot Merger	flat	\$ 6,875
6	Parcel Map - Lot Line Adjustment / Lot Merger	flat	\$ 7,396
7	Public Easement Review	flat	\$ 3,106
8	Street Vacation	flat	\$ 8,972
9	Easement Abandonment	flat	\$ 8,972
10	Plan Revision (after approval of Public Improvement Plans)	T & M (Min 2 hrs)	\$ 230
11	Reimbursement Agreement	flat	\$ 4,946
12	FEMA Compliance		
	Base Fee		
	New Structure	flat	\$ 965
	New Accessory Structure and New ADU	flat	\$ 735
	Improvement of Existing Structure		
	Non-Substantial Improvement without Detailed Review	per structure	\$ 549
	Non-Substantial Improvement with Detailed Review	per structure	\$ 779
	Substantial Improvement (other than accessory structure)	per structure	\$ 1,252
	Substantial Improvement of Accessory Structure and ADU	per structure	\$ 850
	Additional Review Fees		
	Elevation Certificate Review	per structure	\$ 633
	Flood Field Inspection	flat	\$ 575
	Flood Study Review with Valley Water Coordination	flat	\$ 1,495

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Fee Unit Type	Proposed Fee
	Review of CLOMR/CLOMR-F/LOMR/LOMR-F	flat	\$ 920
	Public Outreach for LOMR/LOMR-F	flat	\$ 1,380
	Review of BFE Determination for Zone A without a BFE or Zone D	flat	\$ 460
13	Stormwater Runoff Management Plan Review		
	Tier 1 Project	flat	\$ 2,645
	Tier 2 Project	flat	\$ 6,901
	Tier 3 Project	flat	\$ 9,892
	Tier 4 Project	flat	\$ 11,962
14	Erosion & Sediment Control/Stormwater Pollution Prevention Plan (SWPPP) Review & Compliance		
	Type 1 & Type 2 Projects		
	< 1 Acre in Soil Disturbance	flat	\$ 518
	1+ Acre in Soil Disturbance	flat	\$ 863
	Type 3 Projects	flat	\$ 403
	Type 4 Projects	flat	\$ 288
15	Stormwater Construction Inspections		
	Type 1 & Type 2 Projects		
	< 1 Acre in Soil Disturbance	flat	\$ 9,179
	1+ Acre in Soil Disturbance	flat	\$ 16,367
	Type 3 Projects	flat	\$ 93
	Type 4 Projects	flat	\$ 93
16	Stormwater BMP Operations & Maintenance Agreement	flat	\$ 2,070
17	Private Sanitary Sewer Agreement	flat	\$ 2,645
18	Assessment District Reapportionment		
	City Staff	flat	\$ 2,760
	Contractor Costs	actual costs	Actual Costs
19	Preliminary Review on Projects / Engineering Services	flat	\$ 2,300
20	Additional Plan Review (after 3rd submittal)	hourly (min 2 hrs)	\$ 230
21	Re-Inspection Fee	hourly (min 4 hrs)	\$ 230
22	Complexity Fee	flat	\$ 2,760

Exhibit A - Proposed Planning and Land Development Engineering Fees

No.	Fee Description	Fee Unit Type	Proposed Fee
23	FEMA Community Rating System (CRS) Annual Reporting	flat	\$ 12,422
24	Agreement Extensions / Improvement Agreement Amendments		
	With City Manager Approval	flat	\$ 2,876
	With City Council Approval	flat	\$ 4,371
25	Citywide Inspection for Construction or Stormwater Improvements	flat	See Stormwater Construction Inspection
26	Building Grading Support	flat	Included in Public Improvement Plan Check
27	NPDES - above and below 1 acre. Put in tier.	flat	See Stormwater Construction Inspection
28	Private Street Review	flat	Included in Public Improvement Plan Check
29	Preliminary Fee Estimate	flat	\$ 345
30	For services requested of City staff which have no fee listed in this fee schedule		
	During Business Hours	per hour	\$ 230
	After Business Hours	per hour	\$ 265

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Edith Ramirez, Assistant City Manager

Chris Ghione, Public Services Director

APPROVED BY: City Manager

APPROVE DOWNTOWN TRAFFIC CALMING AND MONTEREY ROAD LANE REDUCTION AND PLACE-BRANDING PROGRAM

RECOMMENDATION(S)

1. Approve the proposed Traffic Mitigation Plan Implementation Schedule to support the Monterey Road Lane Reduction Program;
2. Approve the re-design of traffic lanes for Monterey Road from Dunne Avenue to Main Avenue to be implemented as approved in the Implementation Schedule;
3. Direct staff to install pedestrian safety bollards at pedestrian crossings on Monterey Road and First, Second, and Fourth Streets;
4. Direct staff to bring forward a review of the Parklet Program and develop a Parklet Fee Financing Assistance Program;
5. Direct staff to explore the creation of a community parklet that incorporates an interactive art installation;
6. Direct staff to bring forward a consulting contract to implement a Property-Based Improvement District (PBID); and
7. Adopt a resolution to amend the Fiscal Year (FY) 2021-22 Budget and appropriate \$210,530 from the General Fund.

Estimated Time: 2 Hours

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

Supporting our Youth, Seniors, and Entire Community

Preserving and Cultivating Public Trust

2020-2021 Strategic Priorities

Economic Development

Transportation

Guiding Documents

Bikeways, Trails, and Recreation Master Plan

Economic Blueprint
Morgan Hill 2035 General Plan
Vision Zero
Station Area Master Plan

**REPORT NARRATIVE:
POLICY CONSIDERATIONS:**

Should the City Council implement a Traffic Mitigation Plan in advance of the Downtown Lane Reduction implementation?

Should the Implementation Schedule for the Downtown Lane Reduction be flexible, allowing it to occur prior to the completion of the Hale Avenue Extension if traffic is significantly reduced with the proposed mitigations?

Should the City Council collaborate with Downtown property owners to develop a Property Business Improvement District (PBID) to finance safety, maintenance, and other beautification enhancements in Downtown?

Should the City Council create a financing mechanism to make parklets more affordable and accessible to businesses?

Should the City Council approve and finance the creation of a community parklet?

REPORT SUMMARY:

On [May 19, 2021](#), the City Council directed staff to move forward with the first step in implementing a Downtown Lane Reduction with Place Branding/Beautification. As part of this action, the City Council approved funding for the Lane Reduction and directed staff to supplement funds from a Transit Development Act Funds grant. For the community engagement process, the Council directed staff to solicit feedback from a Working Group made up of Downtown and citywide community and business representatives.

Even though slowing down traffic and making the Downtown a more vibrant and inviting destination to shop, dine, and gather is supported by many City guiding documents, the Downtown Lane Reduction effort has been a controversial topic and discussed and evaluated for over 20 years. The 2015 Monterey Road Complete Streets Pilot Project which converted one lane of traffic into a bike lane to increase safety, was terminated early and Council directed staff to delay the Complete Streets project until the completion of future congestion management projects, including the Hale Avenue Extension Project. The COVID-19 Pandemic has forced outdoor dining and encouraged outdoor living. To support community safety and business recovery, in 2021, the Council directed staff to advance the design of the Lane Reduction.

While staff has been doing extensive community outreach on this controversial project, on June 8, 2021, a Notice of Intention for an initiative titled "Citizens' initiative amending

the General Plan to require voter approval of any future Monterey Road Lane Reduction” was submitted. According to the Ballot Summary: “The measure is proposed to add a new policy to the Transportation Element of the City’s General Plan. If adopted, the new policy would require voter approval in order to implement any future Monterey Road Lane Reduction through Downtown Morgan Hill.” The initiative language was reviewed and accepted on June 9, 2021, and on December 21, 2021, the proponents submitted the completed initiative signature packets. After a prima facie review, it was determined that the initiative met the minimum number of signatures required and was accepted. The initiative needed at least 2,796 signatures to qualify; it was submitted with 3,467. The initiative was then delivered to the Santa Clara County Registrar of Voter’s Office (ROV) to complete the count and voter signature verification via random sampling per the elections code. The ROV has until February 4, 2022, to complete the verification and provide the results to the City Clerk.

If the petition qualifies, it will go before the City Council for certification. The Council shall do one of the following:

- a. Adopt the ordinance;
- b. Submit the ordinance, without alteration, to the voters pursuant to Section 1405;
or
- c. Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within ten days or order an election pursuant to subdivision (b).

If approved by the voters or the City Council, the initiative would impact any Lane Reductions to Monterey Road following that approval. It is very clear that the primary concern associated with the Downtown Lane Reduction project is associated with the traffic impacts. Therefore, as part of the implementation of the project, a Traffic Mitigation Plan has been created along with an Implementation Schedule that outlines the timing of the implementation of the traffic mitigation solutions. This report outlines the following key elements that are part of the implementation of the Downtown Lane Reduction and Place Branding/Beautification effort:

- A. Traffic Mitigation Plan
- B. Implementation Schedule
- C. Lane Reduction Design
- D. Parking
- E. Place Branding and Beautification Solutions
- F. Community Engagement
- G. Project Background

Over the past seven months, the City has held numerous community meetings, worked alongside a 28-member community-based Working Group, with a traffic engineer from Ruggeri, Jensen & Azar firm, and with an architectural design firm, AP+I Design, to

develop alternatives that best implement the Downtown Lane Reduction and Place Branding/Beautification project, while at the same time, mitigating traffic impacts. Based on community feedback, City staff have developed designs and recommendations on how to best slow down traffic through Downtown, make Downtown safer for cars, bikes, and pedestrians, while supporting the need for parking. The recommendations presented in this report incorporate the feedback received through an extensive community engagement process as well as design solutions presented by traffic engineering and landscape architectural consultants.

A. TRAFFIC MITIGATION PLAN

Traffic continues to increase within the City, and while much of that traffic growth is due to increased regional cut-through traffic, it is understood that the most significant concern for residents related to the Downtown Lane Reduction is increased traffic congestion. Staff recommends implementing a plan to reduce the traffic delays for residents traveling north-south and mitigate traffic impacts on the surrounding streets as part of the Downtown Lane Reduction. To ensure community concerns are addressed, staff recommends these traffic mitigation improvements occur before implementing the Lane Reduction.

According to traffic studies, the construction of Hale Avenue will significantly reduce the number of vehicles using Monterey Road through the Downtown. The Hale Avenue Extension is currently under construction, but it is not estimated to be completed until late 2023. Significant amounts of traffic could be moved from Monterey Road to Butterfield Boulevard, prior to the completion of the Hale Avenue Extension with certain improvements, supporting reduced traffic through the Downtown and facilitating better traffic movement throughout the City.

Physical Improvements

The primary near-term strategy to reduce traffic Downtown is to improve Butterfield Boulevard by increasing traffic signal efficiency by synchronizing the entire corridor and making additional physical improvements to specific intersections. While these efforts will improve north-south traffic delays considerably, it should be noted that there will be longer wait times for drivers using the cross streets to cross or access Butterfield Boulevard during peak hours. The proposed roadway upgrades are estimated to cost approximately \$106,000 and it is anticipated that the improvements would increase the traffic flow on the roadway by a very significant percentage.

To implement the traffic signal upgrades, the installation of 13 new traffic signal controllers is required. These advanced signal controllers will allow for the synchronization of signals through the corridor. The synchronization would allow a person driving on Butterfield Boulevard during peak hours to make their way through the entire corridor, while driving the speed limit, on green lights. This will further incentivize drivers to use this alternate route and allow for increased capacity during peak hours. Additionally, the intersection of Monterey Road and Cochrane Road, which is a key intersection for traffic flow, will be adjusted to prioritize the movement of vehicles onto Cochrane/Butterfield over continuing south on Monterey Road.

In addition to the signal improvements, an additional right turn lane at the intersection of Cochrane Road and Butterfield Boulevard would be added. This addition will support an even easier transition from Monterey/Cochrane onto Butterfield Boulevard.

Messaging and Signage

To encourage the use of Butterfield Boulevard over Monterey Road, a communications plan will be implemented to convey the improved and more efficient Butterfield Boulevard. The communications plan encouraging drivers to use Butterfield Boulevard will include new signage, press releases and articles in the local newspapers, and information via social media, the City's 411 newsletter, and the City's website. Signage will include the use of three electronic message board signs and permanent roadway signage along Monterey Road. Staff can also investigate the use of the commercial billboards on Monterey Road near Cochrane Road.

The electronic message board signs would be placed in single locations initially and will be relocated to support increased notification to drivers. Staff recommends the purchase (versus the rental) of the display boards to support this project as well as other projects. The City can use these message boards during maintenance activities and support emergencies where notification to residents is needed. The purchase of the display boards will be approximately \$60,000 and the costs can be split between the project and other City Departments that will use the display boards long-term.

B. IMPLEMENTATION SCHEDULE

Staff proposes a flexible implementation schedule that would provide for immediate traffic relief, in conjunction with Downtown traffic counts to determine the effectiveness of the improvements before the implementation of the Downtown Lane Reduction. Should traffic counts show that significant traffic reduction has occurred, then the Downtown Lane Reduction Project could move forward immediately. Should the traffic not be reduced significantly, then implementation of the Downtown Lane Reduction Project could be delayed until 2024 after the completion of the Hale Avenue Extension or after additional traffic counts have taken place.

The following schedule outlines the proposed Downtown Lane Reduction Plan in association with traffic mitigation work.

Traffic Mitigation Plan Implementation Schedule

Date	Item
Jan-Feb 2022	Baseline Traffic Counts – Traffic counts will be taken at key areas on Monterey Road and Butterfield Boulevard ahead of implementation of any traffic mitigation.

Early Spring 2022	Traffic Mitigation Implementation – Improvements to the Butterfield Corridor will be made and a communications plan will be implemented.
Early Summer 2022	Review of Traffic Counts - After 3 months of Traffic Mitigation, additional counts will be taken and compared to the baseline counts. A review will be provided to the City Council.
Summer 2022	Downtown Lane Reduction Implementation (if traffic mitigation is successful) - Following City Council review of traffic counts, the Council will provide direction on the timing of the implementation of the Lane Reduction Project.
Late 2023	Hale Avenue Extension Complete.
Early 2024	Lane Reduction Implementation (if traffic mitigation was not successful in Summer 2022) the City Council can move forward with the Downtown Lane Reduction after completion of the Hale Avenue Extension.

If the Downtown Lane Reduction is not implemented in the Summer of 2022, it is recommended the project be implemented in 2024 after the Hale Avenue Extension is completed. Alternatively, additional traffic counts could be done in the Fall of 2022 and the project could be implemented after meeting the desired traffic reduction. It should also be clearly noted that the Implementation Schedule will be based on the ability to get all materials for the improvements in a timely manner.

C. LANE REDUCTION DESIGN

Proposed Traffic Engineered Lane Reduction Plans

From an engineering perspective, the proposed Downtown Lane Reduction Project is similar to what was constructed during the 2015 Pilot Project with additional enhancements. The design incorporates lessons learned from the previous plan, current conditions in the Downtown, input from Police and Fire Departments, current engineering standards, comments from the community, and current best practices. This input includes the need for Public Safety to have the ability to enter and use the bike lane for emergency use. The major changes between the 2015 Pilot Project and this design include:

- A. Improved configuration and striping at the intersections at Main Avenue and Dunne Avenue that support improved traffic flow and bicycle enhancements.
- B. The use of rounded curbs within the buffer between the bike lane and traffic lane to prevent driving in the bike lanes, yet allowing access to Public Safety vehicles.

- C. Flexibility within the plan to allow for parklets or parking spaces in what's now the parking lane on a block-by-block or business-by-business basis.

The proposed Lane Reduction Plan is detailed in Attachment 1. The benefit of the proposed traffic plan is that it allows for ease of conversion from parklet to parking or vice versa. Minor modifications based on the final locations of parklets, including the proposed community parklet, are anticipated.

Project Permanency

Construction of the project would be semi-permanent in nature considering the limited resources available for implementation. This is an important factor 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. With this approach, the City would be able to maintain the proposed installation efficiently and cost-effectively and evaluate installations of curbs, delineators, and other devices, and gradually move towards permanent installations. However, there are some permanent elements, such as permanent signage, roadway striping changes, and the use of traffic control devices.

More than a Bike Lane

Under the proposed Downtown Lane Reduction Project, one of the two traffic lanes would be used to support people instead of vehicles, consistent with the City's Vision Zero, and prioritize pedestrians and cyclists as well as businesses. The repurposed traffic lane would be used by people and provide separation between moving vehicle traffic and outdoor dining, business activity, and public spaces. Additionally, these improvements support traffic calming and reduce noise by moving traffic farther from where the people are. One significant improvement in the plan is the continuation of the buffered bike lanes completely through each block and to the end of each intersection. This improvement supports increased safety and traffic calming at the intersections.

Emergency Vehicle Response

Emergency response is a critical consideration in the design of the project. Through the design process, the City has worked with Public Safety (Police and Fire) to ensure that emergency responders have access to the bike lane area or that vehicles can pull over into the lane to get out of the way of first responders traveling through Downtown. The 2015 Pilot Project showed no reduction in emergency response time.

D. PARKING

Downtown includes both private and public parking lots with approximately 2,575 parking spaces in total, including the VTA parking lot and Courthouse Parking. The City hired Hexagon Transportation Consultants, Inc. to analyze and prepare the Parking Conditions Study in 2016. Staff presented updates to the Council in 2017 and in 2018 with the adoption of the Station Area Master Plan, both concluding adequate capacity of parking supply. Since the updates to City Council, the City has purchased property at Depot and 1st Streets, which is currently providing additional temporary parking, restriped the Depot Street parking lot at Railroad Park, creating additional parking capacity, and incorporated

new accessible stalls in central Downtown (5-minute walk) in the area between Second and Third Streets and in the 4th Street Parking Garage.

Currently, there are 19 parking spaces that are currently re-purposed for parklets, either through the City's temporary Al Fresco Program or the Parklet Program supporting six businesses' outdoor dining operations. Of the 19 spaces in Downtown, 9 are on Monterey Road. While some businesses are taking advantage of the flexible Al Fresco Program, this program expires on December 31, 2022. Staff anticipates that some of these businesses will pursue a full parklet in 2022.

Throughout the outreach and engagement process, City staff received comments about the need for parking availability and access. Restaurant operators and community members expressed a need to increase the number of short-term and accessible parking spots, as well as designate areas for loading and unloading for both people and goods/services. Specific delivery hours and locations could be implemented in the Downtown District. Short-term parking spaces could also support customers who wish to let people out of the car near their destination before parking their car, making Downtown more accessible to elderly people or people with disabilities and making it more convenient.

Parking management is an ongoing effort that will eventually require enforcement to ensure premium spaces are not being taken by Downtown employees that should be parking at the 4th Street Parking Garage or at the VTA parking lot located at CalTrain Station.

Staff typically provides a Downtown Parking Update to City Council every two years. The City's Downtown Parking Management Plan already includes guidance on parking management practices and offers strategies on how to best maximize parking until a certain use threshold is met that would require more significant parking management strategies and policies. The Downtown Parking studies have shown that Downtown parking inventory is sufficient for Downtown. To be mindful and strategic with the City's limited financial resources, staff has not updated the Parking Study due to the impacts of the lingering COVID-19 pandemic and recommends waiting to update the Study until business recovery has fully rebounded and Downtown use has stabilized.

Short-Term Parking

The COVID-19 pandemic has made outdoor dining a necessity for restaurants to survive and it is evident through business feedback that the community prefers outdoor dining over indoor dining. The implementation of the Al Fresco dining which offered restaurants the use of parking spaces for outdoor dining as part of the business recovery efforts highlighted the popular demand for outdoor dining, and several restaurants have applied for formal parklets. Restaurants have conveyed that take-out (or food-to-go) has increased between 25% to 40% in most restaurants. Many residents want to enjoy the restaurants' food and offer support to businesses but prefer the convenience and safety provided by the to-go/pick-up option.

During the business outreach effort, staff heard from the restaurants the need to convert

nearby parking to short-term parking to support the new and growing trend of food-to-go. While some restaurants prefer the short-term parking to be in front of their restaurants, staff believes it would be safer for vehicles and pedestrians if the short-term parking spaces were placed on the side streets and not on Monterey Road to avoid vehicle vs. pedestrian/bicyclist collisions. Implementation of short-term parking would support the community as well as the businesses and would encourage the use of the parking garage and other parking lots for longer visits.

Staff proposes implementing the following parking enhancements in parallel with the Downtown Lane Reduction Project:

- Add short-term parking on 1st, 2nd, 3rd, and 4th streets near Monterey Road.
- Add accessible parking spaces, specifically on the north end of Downtown.
- Evaluate the creation of loading/unloading zones and policies for passengers and/or delivery vehicles near restaurant locations to improve access and prevent double-parking.
- Work with Downtown businesses to encourage usage of the VTA parking lot.

E. PLACE BRANDING AND BEAUTIFICATION SOLUTIONS

The goals of the Lane Reduction and Place Branding Project included improving accessibility, increasing safety, and creating additional space for community and businesses. Additionally, it was envisioned that this effort would address the interface between parklets, and spaces located directly adjacent to the Lane Reduction along Monterey Road. This would include solving for the areas that could be converted to semi-permanent parklet spaces, spaces for community space, and other furniture and features through the Downtown. The beautification effort included looking at elements such as trees, planters, and barriers that would replace the existing temporary orange water barricades located throughout the Downtown and act as beautification and branding enhancements.

To help achieve the beautification goals, the City contracted with AP+I Design to evaluate themes Downtown and create renderings of parklet designs that could meet the objectives listed above. As part of AP+I's work, the firm reviewed the KTGy design of a grove of trees to delineate the space between the bike lane and the parklets that were presented at the April 23, 2021, Downtown Monterey Road Visioning Summit event. AP+I determined that locating trees along the bike lane could impede the access of emergency vehicles on Monterey Road; additionally, the costs associated with the trees and their required maintenance would provide additional financial challenges. Therefore, staff does not recommend this design option as part of the place-branding/beautification project.

Parklets

While the City created a Pilot Parklet Program in 2018, businesses did not take advantage of the Program until the COVID-19 pandemic limited indoor dining. The Parklet Program allows businesses to extend their operations onto the street by

repurposing on-street parking spaces to create a more activated streetscape for both restaurants and retail operations. The Program requires businesses to acquire and pay for an Encroachment Permit and provide insurance, in addition to the costs of building the parklet.

In 2020, in response to the COVID-19 pandemic and as part of the City's Business Recovery Plan, the City created the Al Fresco Program, similar to the Parklet Program but with fewer requirements. With the Al Fresco Program, the City provided businesses with temporary traffic safety barricades (orange water-fillable barricades), waived the Encroachment Permit fee, and streamlined the application process. This allowed many businesses to operate during the pandemic while meeting the County's health and safety protocols. The Al Fresco Program has helped businesses survive while making Downtown an interesting and vibrant district. The Al Fresco program has been extended to December 31, 2022. When the Al Fresco program terminates, the City will be removing temporary water barricades, and require businesses to apply for and construct a formal Parklet with the necessary traffic safety barricades and reinstituting Encroachment Permit Fees, and public noticing period. Currently, there are six businesses that are participating in the Al Fresco and Parklet Programs. We anticipate more businesses will execute parklets in 2022.

As part of this effort, AP+I created design options for the parklets that included agricultural, historical, and industrial themes (Attachment 2). The parklet designs by AP+I will provide additional design guidance to the City's Parklet Program and offer a 'kit of parts' for businesses that wish to create semi-permanent parklets. These designs would create consistency and enhance aesthetics and make it easier for businesses to implement parklets.

According to AP+I, formal parklets are expected to cost between \$40,000 to \$60,000. One of the challenging elements of the parklet is meeting the traffic safety device requirement that needs to be approved by a structural engineer. To make parklets more accessible and affordable, it is recommended that staff develop a program that helps businesses finance key elements of the parklet such as the traffic safety barricades and planters. As part of this report, staff recommends the Council provide direction to staff to bring forward a review of the Parklet Program and develop a Parklet Fee Financing Assistance Program.

Community Parklet

In addition to updating the Parklet Program to create more consistency among future parklets and providing better traffic safety mechanisms than orange water barricades, the idea of a community parklet was discussed as a way to make parklets more accessible and available to smaller businesses that cannot fund a full parklet on their own. The City could take the lead in building a parklet and making it available to the community for use and to the retailers and to community groups to activate. This community parklet could also provide additional gathering space for the community along Monterey Road as the Second Street pop-up park is scheduled to be removed to make room for the construction of the Fine Art Gallery in early 2022.

There are endless possibilities for the use of a community parklet. Staff can work on developing a retail incubator program to support additional temporary retail space (like kiosks at a mall). Alternatively, staff can use this space to create an interactive art installation that can illuminate and activate the Downtown through community use and gathering. Staff recommends a community parklet with an art installation to create a visual attraction and support the efforts to make Morgan Hill a tourism destination. An interactive art installation could also allow for the community to come together and enjoy a shared space. Staff recommends the Council direct staff to work with the Library, Culture and Arts Commission to explore the creation of a community parklet that incorporates an interactive art installation.

Bollards

The City uses bollards to create a separation between cars and people. These bollards can enhance safety in high pedestrian traffic areas. Bollards are currently used throughout the Downtown, on 3rd Street and Monterey, along 3rd Street between Monterey and Depot Street, and along Depot Street. To support the need for additional pedestrian safety and to enhance the Place-Branding and Beautification effort, staff recommends installing bollards at pedestrian crossings on Monterey Road and First, Second, and Fourth Streets. Staff proposes using the Sternberg bollard design used on 3rd Street and Monterey. The estimated cost for this installation is \$62,400 for the three intersections. This does not include the installation costs that are assumed to be done in-house. Staff recommends the Council direct staff to install pedestrian safety bollards at pedestrian crossings on Monterey Road and First, Second, and Fourth Streets.

Property-Based Improvement District (PBID)

PBIDs are commonly formed in downtown and commercial areas, creating a financing mechanism to enhance the area through beautification and activation. PBIDs provide supplemental services through annual assessments paid by affected businesses and property owners. In 2006, the City worked with the Downtown property owners to establish a PBID which supported many efforts, including the installation of the Downtown speaker system, flower baskets, benches, flags, street banners, new trash and recycle bins and supported the production of marketing materials and Downtown events. The PBID was terminated in July 2013. The City's 2017 Economic Blueprint identified the re-establishment of the PBID as one of the action items and the Council approved \$45,000 in the FY 2020-21 budget for the engineering work associated with the PBID establishment.

The extensive outreach completed for this project produced a long list of possible improvements for funding by a PBID that would clean up and beautify Downtown. These improvement ideas include:

- Installing bollards at all Monterey Road Street crossings to protect pedestrians (included in recommendation)
- Decluttering sidewalks by removing concrete tree planters and concrete benches that are damaged, decaying, and taking up sidewalk space
- Replacing Black Locust trees with appropriate trees for Downtown
- Adding roof line lighting

- Improving Downtown Street maintenance/cleanliness
- Improving side street lighting
- Increasing tree maintenance (for lighting and trimming)
- Encouraging additional landscaping
- Adding murals, especially on the Frontier building
- Replacing the temporary orange water barricades with permanent traffic safety devices (included in recommendation)
- Adding gateway art

In addition to these beautification ideas, staff continues to hear the need for additional police enforcement and additional street cleaning from businesses and residents. Safety and cleanliness have perhaps been the most significant issues that constantly come up at many of the meetings. While the City has deployed a Downtown Ambassador Cadet program to support the need for enhanced safety, the City resources are limited to provide ongoing, permanent, and dedicated policing.

While the improved parklet design and installation of bollards will help enhance the aesthetics of Downtown, these improvements lack the “wow” factor staff was hoping to achieve. To address these needs and the list of beautifications and clean-up ideas, staff recommends the City launch a Property-Based Improvement District (PBID) to help support the needs of the growing Downtown. The 2021 COVID-19 Economic Development update to the Council confirmed that staff is working toward advancing this work and has started to engage the property owners to explore the level of support for this effort. Staff recommends City Council direct staff to bring forward a consulting contract to implement a Property-Based Improvement District (PBID).

F. COMMUNITY ENGAGEMENT

City staff created a robust community engagement plan for the Lane Reduction and Place Branding/Beautification Project that included a 28-member [Working Group](#) of Downtown and citywide businesses and community members that worked side-by-side with City staff. The Working Group invested a significant amount of time during four 2+ hour virtual meetings listening to staff presentations, providing feedback, and serving as ambassadors to share information about the project. In addition, City staff engaged in a community-wide outreach process of virtual town hall meetings, in-person walking tours, 411 newsletter updates, an in-person night outside at the Downtown Amphitheatre, and an [Open House display](#) at the Pop-up Park soliciting feedback.

As City staff concluded the Working Group meetings and community engagement process, the community was asked to provide feedback and comments. To solicit comments, a QR code was included in the Pop-up Park Open House display, and in the City’s weekly 411 newsletter. The table below is a snapshot of some of the 88 comments received during the community comment period. A full list of comments can be found in Attachment 3.

Positive:	Yes! We need to calm traffic for safety and ambiance, support businesses in expansion,
-----------	--

	and make downtown a place for PEOPLE...not cars!
Positive:	The proposed lane reduction and beautification process will guarantee a safer downtown for Morgan Hill.
Positive:	I am very happy that you are doing this. We love riding downtown to eat or get ice cream as a family and it can be so scary with our young kids.
Wait:	Please wait until the Hale Avenue extension is completed and has a year under its belt to see if traffic is naturally reduced on Monterey through town
Wait:	Until such time there is an abundance of easy access ALTERNATE routes to handle traffic flow - lane reductions downtown will create more problems than it will solve.
Wait:	I am against this project until Butterfield Blvd is widened to support cross-town traffic.
Negative:	Reducing lanes in the 2015 experiment was a disaster. Traffic was a nightmare and surrounding neighborhoods suffered from reduced safety and increased traffic.
Negative:	Let's not do this again. Last time around I chatted to owners of businesses downtown that lost a ton of business due to people not coming downtown because it was a pain to do so.
Negative:	Please do not proceed with the downtown lane reduction! People use Monterey Road to bypass 101 especially during rush hour! This is going to cause more backups on 101!

G. PROJECT BACKGROUND

The Downtown Placemaking Investment Strategy suggests to “Make Downtown the most walkable, bike-friendly, urban, family-oriented, and transit-oriented neighborhood in Morgan Hill.” The City has several guiding documents that provide guidance for Downtown development. Some key recommendations for Downtown within these guiding documents include:

- Slow traffic speed to make crossing easier and the district pedestrian-friendly
- Removal of speed bumps is recommended with road narrowing
- Bike lanes or bike “sharrows” are encouraged

The concept of traffic calming efforts in Downtown has been discussed and evaluated for over 20 years. The City’s guiding documents support such an endeavor. However, this topic has always been controversial in the community. In 2015, the City implemented a Monterey Road Complete Streets Pilot Project, converting one lane of traffic into a bike lane in an effort 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. While the project proved successful at accomplishing the goals of slowing down traffic and improving safety and vibrancy, 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.

The COVID-19 pandemic has forced outdoor living, dining, and recreation, and communities throughout the nation are repurposing their streets to create more space for the community to gather safely. On May 19, 2021, the City Council approved moving forward with the first step in implementing the Monterey Road Lane Reduction and

associated Place-Branding and Beautification effort in Downtown Morgan Hill. The Lane Reduction Project goals were to improve accessibility, increase safety, create additional space for community members, and businesses. The Place-Branding and Beautification Project goals were to use trees, planters, and other elements to support beautification and consistency throughout the Downtown.

Staff believes that the construction of the Hale Avenue Extension 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 and is estimated to be completed in late 2023.

CONCLUSION

Over the last 20 years, the City has been working to make Downtown the community's living room, offering unique experiences in Morgan Hill, from shopping, dining, events, entertainment, parks, trails, public art, pedestrian and bicycle amenities, beautiful landscaping, public transit and public parking, and community spaces like the Community and Cultural Center. The Council has approved numerous plans and strategies that provide a vision to create a thriving Downtown for businesses, residents, and visitors alike. These plans include the General Plan, the Downtown Specific Plan, the Downtown Placemaking Investment Strategy, the Downtown Station Area Master Plan, Vision Zero, and the Economic Blueprint.

The main goals of the Placemaking Investment Strategy and Vision Zero are to make Downtown the most walkable, bike-friendly, urban, family-oriented, and transit-oriented neighborhood in Morgan Hill. With this in mind, slowing down traffic is key to making Downtown a more vibrant, safer, and inviting destination to shop, dine, and gather.

The Downtown Lane Reduction with its Place Branding/Beautification will advance the goals the Council has been working to achieve over the last two decades. Repurposing a lane of traffic for bikes and people will put people first and cars second. Protecting Downtown from the impacts of the regional traffic will benefit the entire community, making Morgan Hill's 'living room' a safe and comfortable place for families. While the Lane Reduction will offer the benefits of slowing down traffic, making Downtown safer and more inviting, it will also impact commuters. Commuters traveling through Downtown will have to drive slower, inevitably causing traffic delays. The policy question is whether the downside of the traffic delay is justifiable compared to the benefits of creating a safer and more accessible Downtown.

To mitigate the traffic impacts, staff has developed a traffic mitigation plan that can move significant amounts of traffic from Monterey Road to Butterfield Boulevard, providing residents and commuters with better transit options. By synchronizing the Butterfield corridor, and by making other key intersection improvements, north-south traffic flow will improve. Staff recommends the implementation of the traffic mitigation solutions, coupled with traffic counts, before the actual implementation of the Downtown Lane Reduction. This will protect neighborhood streets from being greatly impacted by the Lane Reduction project.

Parklets provide much-needed outdoor space for people to dine or gather. Parklets also create a buffer between cars and people, making these community spaces safer and more comfortable. Finally, parklets can enhance the aesthetics of the area, making a location more interesting, more vibrant, and more inviting. The visual interest and activation that parklets provide can also encourage slower traffic. To that end, staff recommends continuing to work with businesses to create parklets that are safe, well-constructed, and attractive. The work done by AP+I provides guidance on better parklet installations. Staff recommends taking the lead on a community parklet to showcase how one can be developed and to create a community-serving space. A public parklet, coupled with an interactive art installation, can be a fun and cost-free attraction for the community and visitors to enjoy.

The recommendations provided in this report, from the Lane Reduction with traffic mitigations, to the creation of a community parklet, installation of bollards at certain pedestrian intersections, as well as the creation of a parklet fee financing partnership and PBID, all support the goals set by the May 19, 2021, City Council meeting to:

1. Protect pedestrians/cyclists
2. Create community space
3. Support business recovery
4. Support emergency response
5. Minimize traffic congestion
6. Create opportunities for Diversity, Equity, and Inclusion
7. Close gaps in areas without retail storefronts
8. Retain parking when possible

Finally, these efforts are in alignment with the City's goals to support business recovery, provide a safe environment for residents, and account for the need to re-think the use of the public realm to prioritize people over cars. Staff recommends the City Council take the following actions:

1. Approve the proposed Traffic Mitigation Plan Implementation Schedule to support the Monterey Road Lane Reduction Program;
2. Approve the re-design of traffic lanes for Monterey Road from Dunne Avenue to Main Avenue to be implemented as approved in the Implementation Schedule;
3. Direct staff to install pedestrian safety bollards at pedestrian crossings on Monterey Road and First, Second, and Fourth Streets;
4. Direct staff to bring forward a review of the Parklet Program and develop a Parklet Fee Financing Assistance Program;
5. Direct staff to explore the creation of a community parklet that incorporates an interactive art installation;
6. Direct staff to bring forward a consulting contract to implement a Property-Based Improvement District (PBID); and
7. Adopt a resolution to amend the FY 2021-22 Budget and appropriate \$210,530

from the General Fund.

COMMUNITY ENGAGEMENT:

Since City Council's direction on the Lane Reduction program on May 21, 2021, City staff has embarked on significant community engagement in relation to this project. The comment emails received to date are attached. (attachment 4)

Downtown Lane Reduction Working Group Meetings:

- ☐ Friday, September 24, 2021
- ☐ Friday, October 1, 2021
- ☐ Friday, October 8, 2021
- ☐ Friday, October 22, 2021

Community-wide Engagement Opportunities:

- ☐ Town Hall Meeting September 23, 2021
- ☐ Downtown Outdoor Night September 30, 2021
- ☐ Zoom Community Meeting October 7, 2021
- ☐ Morning Walking Tour October 9, 2021
- ☐ Evening Walking Tour October 13, 2021
- ☐ Town Hall Meeting November 4, 2021
- ☐ Pop-up Park Open House November 5, 2021

ALTERNATIVE ACTIONS:

1. Modify Project Implementation Schedule to include the completion of Hale Avenue Extension before Lane Reduction improvements are made.
2. Provide additional funding to include enhanced green lane markings at all Downtown intersections for an additional \$100,000.
3. Recommend additional or different Place Branding and Beautification solutions.
4. Other alternative directions provided by the City Council.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On August 18, 2021, the City Council authorized staff and the City Manager to apply for and negotiate Transportation Development Act Grant Funds for bicycle lane improvements.

Due to the COVID-19 pandemic and requests from local business owners, on May 19, 2021, the City Council provided direction for staff to return with the design of an Improved Lane Reduction Program and associated Place Branding Design for the Downtown.

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 Pilot.

FISCAL AND RESOURCE IMPACT:

The City Council previously appropriated \$300,000 for the project. This included the \$50,000 that has been utilized to support the traffic engineering and landscape architecture work. Additionally, staff has grant funding of \$92,870 for the Lane Reduction project, which provides for a total of \$342,870 for project implementation. The implementation costs associated specifically with the traffic mitigation and Lane Reduction are outlined in the table below:

\$106,000	Butterfield Corridor Improvements
\$25,000	Project Portion of New Message Board Signs (\$60,000 Total)
\$5,000	New Signage
\$95,000	Downtown Lane Reduction Improvements
\$10,000	Traffic Counts
\$241,000	Total

This cost is higher than originally anticipated because of the addition of the traffic mitigation program, which has been developed based on the Working Group discussions. Originally the traffic mitigation improvements were not considered in the original Lane Reduction plan estimate. However, staff believes these improvements are critical traffic mitigation solutions that should be implemented regardless of the Lane Reduction effort.

The Place Branding and Beautification project has evolved from a single effort to a long list of many potential actions that could support the beautification of Downtown. Some of these ideas such as rooftop lighting or de-cluttering of the streetscape could be accomplished through the PBID. But in order to create a beautification component that complements the Lane Reduction, staff recommends installing bollards at key pedestrian crossings, creating a community parklet with an art installation, and developing a grant program to support parklets. Estimated costs for these proposed efforts are outlined in the table below:

\$62,400	Bollards at three additional intersections
\$200,000	Community Parklet with Art Installation
\$50,000	Parklet Grant Program
\$312,400	Total

The total implementation costs for the Lane Reduction and Place Branding and Beautification total \$553,400, which will require an additional appropriation from the General Fund Reserve of \$210,530 to be transferred to Public Facilities Non-AB 1600 Fund 346 where the project is budgeted. Project budget is summarized below:

\$392,870	Project Budget \$300,000 General Fund Appropriation/ARPA Funds \$92,870 TDA Grant Fund
(\$50,000)	Design Expense
(\$553,400)	Implementation Expense \$241,000 Lane Reduction and Traffic Mitigation \$312,400 Place Branding and Beautification
\$210,530	Additional Budget Appropriation Necessary

Staff is recommending this increase in appropriation based on the addition of the traffic mitigation and the allocation of additional funds towards a community parklet and Parklet Grant Program. The need for these items was not fully anticipated during the initial project budget discussions but materialized through engagement with the Working Group and the community on the project. A budget resolution and scorecard are attached (Attachment 5) for this additional appropriation.

CEQA (California Environmental Quality Act):

Project

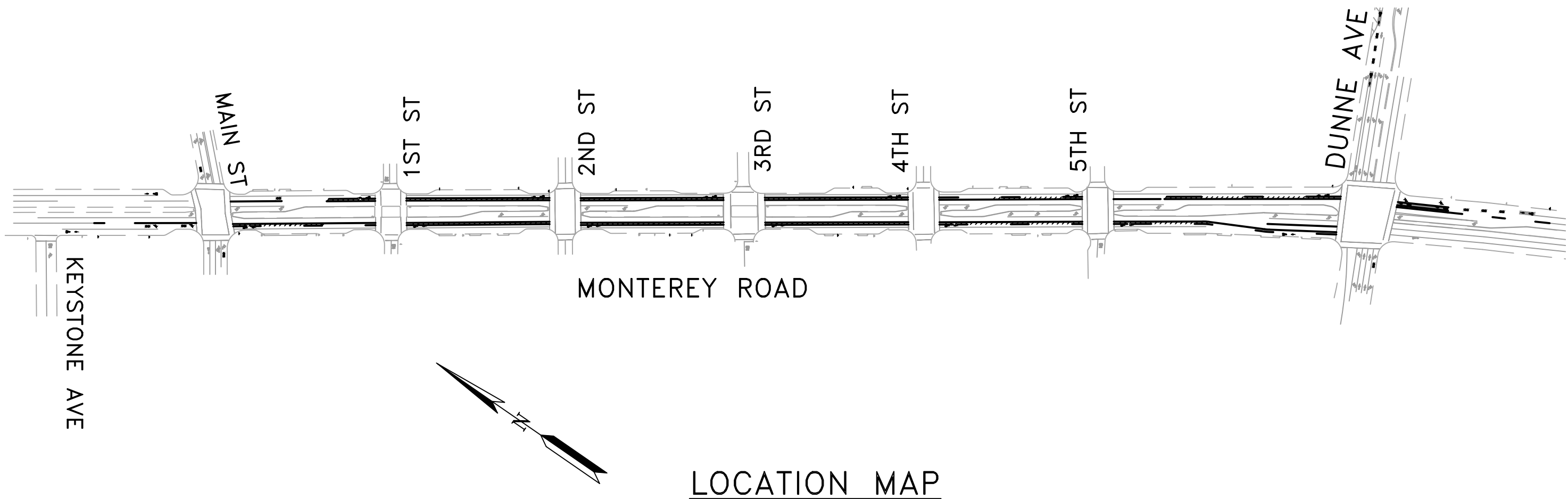
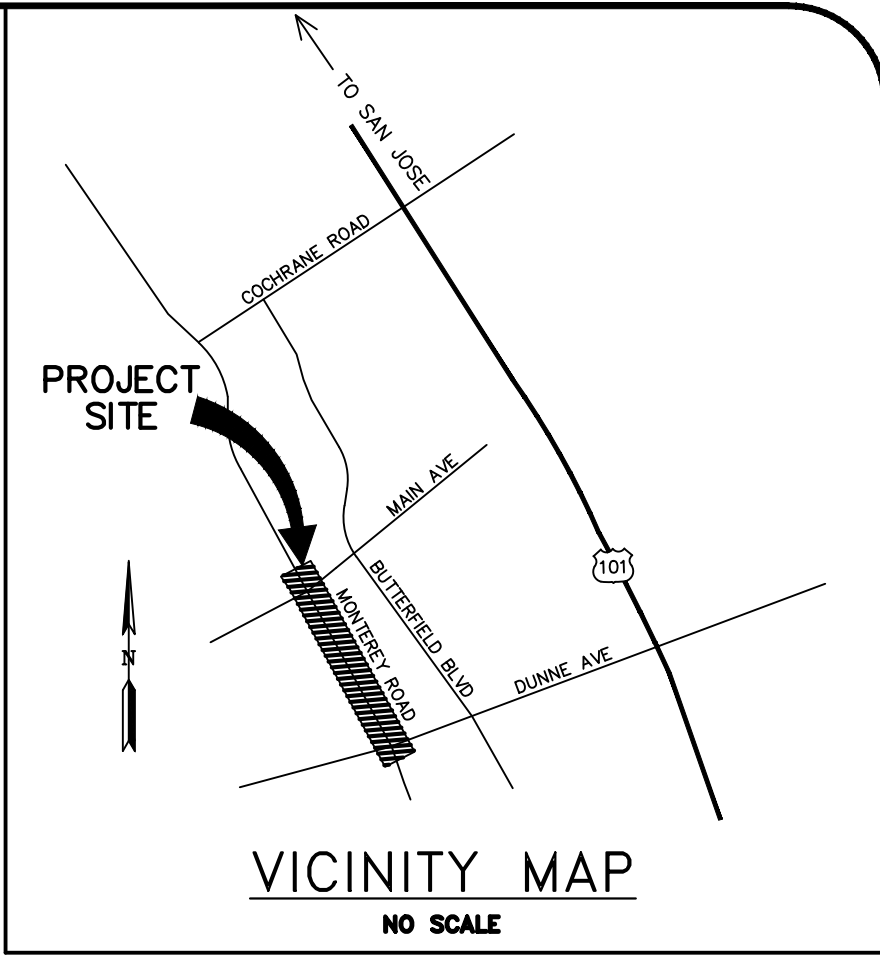
The Transportation Element of the General Plan provides the option for the City of Morgan Hill to narrow Monterey Road from its existing four lanes to a two-lane arterial through Downtown. The Master Environmental Impact Report (EIR) for the Downtown Specific Plan adopted in 2009 and the Environmental Impact Review (EIR) prepared for the 2010 Transportation Element Update contain information about impacts and traffic levels of service conditions under both scenarios.

ATTACHMENT 1

COMPLETE STREETS TRIAL PROJECT
MONTEREY ROAD
MORGAN HILL, SANTA CLARA COUNTY, CALIFORNIA

GENERAL SIGNING AND STRIPING NOTES

- 1. ALL STRIPING, PAVEMENT DELINEATION AND TRAFFIC SIGNING WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALTRANS STANDARD PLANS AND SPECIFICATIONS DATED 2018, THE LATEST REVISION OF THE 2014 CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (2014 CA MUTCD), AND THE CITY OF MORGAN HILL STANDARDS.
- 2. THE CONTRACTOR SHALL REMOVE ALL EXISTING STRIPING, PAVEMENT MARKINGS, AND RAISED PAVEMENT MARKERS WHICH CONFLICT WITH WORK SHOWN ON THE SIGNING AND STRIPING PLAN.
- 3. ALL CONSTRUCTION MATERIALS, SIGNS, STRIPING, PAVEMENT MARKING, AND PAVEMENT MARKERS SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR.
- 4. THE EXACT LOCATION OF ALL NEW OR RELOCATED SIGNS, STRIPING, AND PAVEMENT MARKINGS SHALL BE MARKED IN THE FIELD BY THE CONTRACTOR AND SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO INSTALLATION.
- 5. ALL LANE LINE TRAFFIC STRIPES AND PAVEMENT MARKINGS SHALL BE THERMOPLASTIC. ALL PAVEMENT TRAFFIC STRIPING SHALL CONFORM TO CALTRANS STANDARD PLAN A20 (A-D).
- 6. THE REMOVAL OF ALL EXISTING STRIPING AND PAVEMENT MARKINGS SHALL BE DONE BY WET SANDBLASTING OR OTHER METHOD APPROVED BY THE ENGINEER. REMOVAL OF PAVEMENT MARKING ARROWS AND LEGENDS SHALL CONSIST OF GRINDING OUT A RECTANGLE OVER THE EXISTING ARROW/LEGEND.
- 7. ALL NEW CROSSWALK STRIPING SHALL HAVE AN INSIDE DIMENSION OF 10'.
- 8. ALL SIGN CALL-OUTS ARE PER THE 2014 CA MUTCD. SIZES FOR ALL NEW SIGNS SHALL BE STANDARD SIZES PER THE 2014 CA MUTCD AND THE 2004 STANDARD HIGHWAY SIGNS MANUAL AND AS SHOWN ON THE PLANS.
- 9. ALL NEW SIGN POSTS SHALL BE TELESAPAR TYPE POSTS. ALL NEW/RELOCATED SIGNS AND POSTS SHALL BE INSTALLED PER THE 2014 CA MUTCD, PART 2, SECTIONS 2A.18 & 2A.19.



SHEET INDEX

NO.	NAME	DESCRIPTION
1	TS-1	TITLE SHEET
2	PD-1	SIGNING AND STRIPING REMOVAL PLAN
3	PD-2	SIGNING AND STRIPING REMOVAL PLAN
4	PD-3	SIGNING AND STRIPING PLAN
5	PD-4	SIGNING AND STRIPING PLAN

SIGN LEGEND

R2-1
(24"x30")

R3-7(R)
(30"x30")

R6-1(R)
(36"x12")

R26(CA)
(12"x18")

R32(CA)
(12"x18")

W11-2
(30"x30")

R81 (CA)
(12"x8")

R81B(CA)
(8"x5")

R118(CA)
(18"x15")

W73A(CA)
(36"x36")

W74(CA)(L)
(36"x36")

D4-1
(30"x24")

G82(CA)
(42"x12")

NO.		DESCRIPTION	DATE	BY	BY:	DATE:
Revisions						

WORK ACCEPTED:	INSPECTOR:	DRAWN: ERIK TRUJILLO	DESIGN: ERIK TRUJILLO	HOR: NONE
		CHECKED: LEO TRUJILLO	DATE:	VERT: NONE
		APPROVED:	DATE:	JOB NUMBER: 202046
SCOTT G. GREER - CITY ENGINEER R.C.E. #08879 EXP. 06/30/2023				



Public Works Department
17575 PEAK AVENUE, MORGAN HILL, CA 95037
(408)776-6480, Fax (408)779-7236

SUPERVISED BY:
LEOPOLDO TRUJILLO
REGISTERED CIVIL ENGINEER
RCE #3950
EXP. DATE 9-30-22

SIGNATURE

11/16/21
DATE

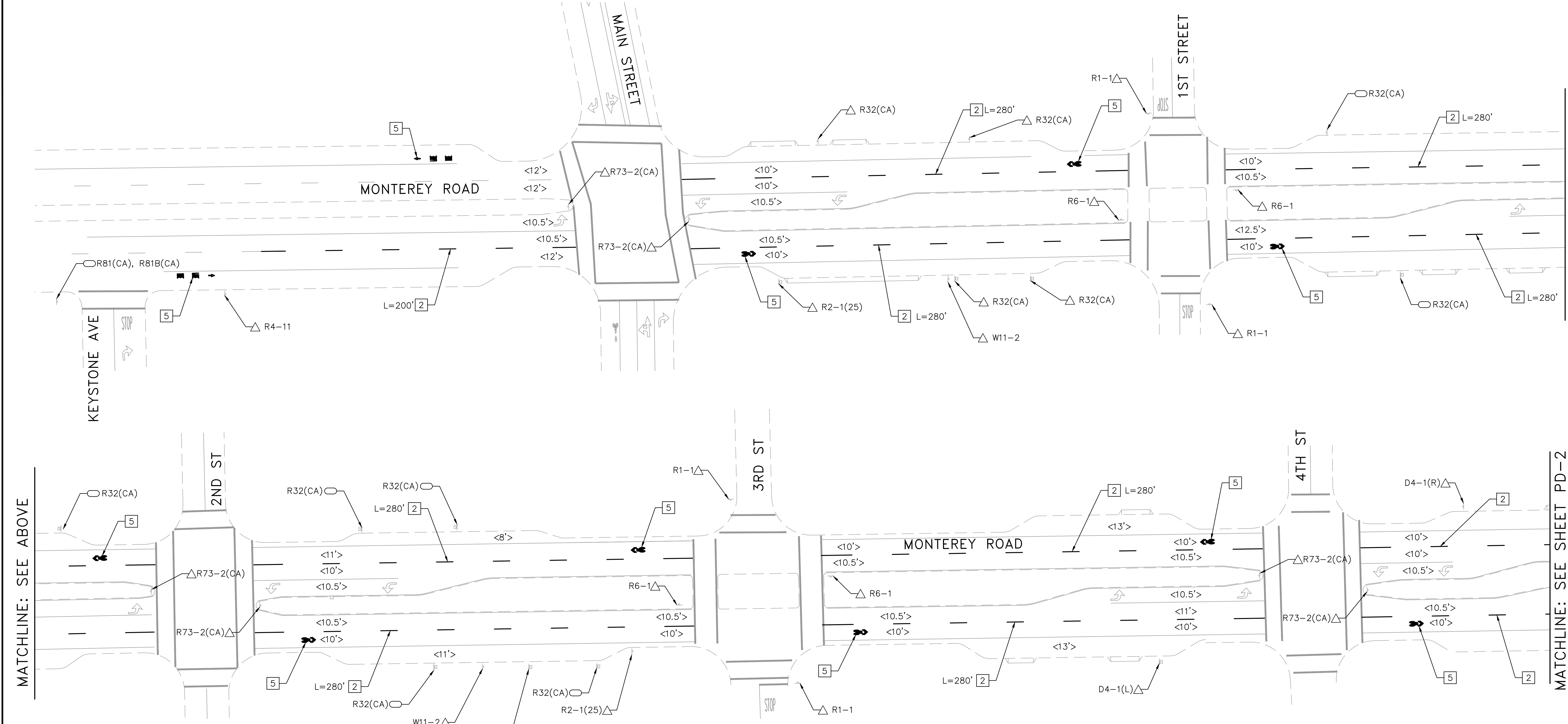


RUGGERI-JENSEN-AZAR

ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-0300 FAX: (408) 848-0302

MONTEREY RD COMPLETE
STREETS TRIAL PROJECT
TS-1: TITLE SHEET

FILE NUMBER:	202046
PRINT DATE:	11-16-21
SHEET NUMBER:	1 of 5



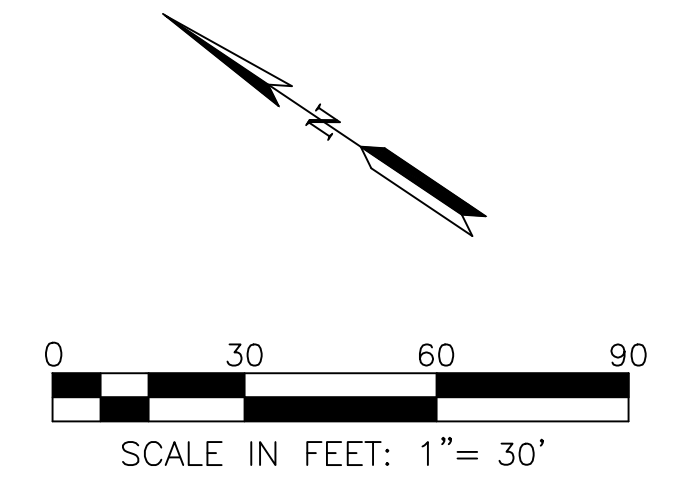
MATCHLINE: SEE ABOVE

MATCHLINE: SEE SHEET PD-2

MATCHLINE: SEE BELOW

- LEGEND (SHEETS PD-1 AND PD-2)**
- = EXISTING PAVEMENT STRIPING REMAIN
 - - - = EXISTING PAVEMENT STRIPING TO BE REMOVED
 - STOP = EXISTING PAVEMENT LEGEND REMAIN
 - ↶ = EXISTING PAVEMENT ARROW TO REMAIN
 - ↶↶ = EXISTING SHARE THE ROAD LEGEND TO BE REMOVED
 - ■ → = EXISTING PAVEMENT LEGEND TO BE REMOVED
 - ↑ = EXISTING ROADSIDE SIGN
 - △ = EXISTING ROADSIDE SIGN TO REMAIN
 - = REMOVE & SALVAGE EXISTING SIGN PANEL-SIGN POST TO REMAIN
 - ↶ = EXISTING PAVEMENT ARROW TO BE REMOVED

- PROJECT NOTES (THIS SHEET)**
- 1 REMOVE EXISTING 12" CROSSWALK OR LIMIT LINE STRIPE
 - 2 REMOVE EXISTING WHITE DASHED STRIPE
 - 3 REMOVE EXISTING WHITE THRU/TURN LANE STRIPE
 - 4 REMOVE EXISTING PAVEMENT ARROW
 - 5 REMOVE EXISTING PAVEMENT BIKE LEGEND

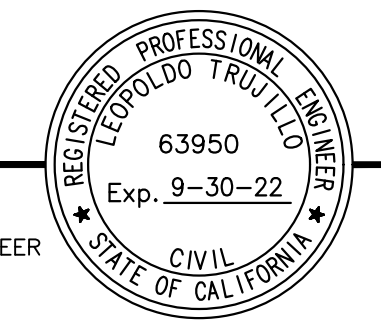


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						CHECKED: LEO TRUJILLO	DATE:	VERT: NONE
NO.	DESCRIPTION	DATE	BY:			DATE:	APPROVED:	DATE:
Revisions								
SCOTT C. GREER – CITY ENGINEER R.C.E. #08879 EXP. 06/30/2023								



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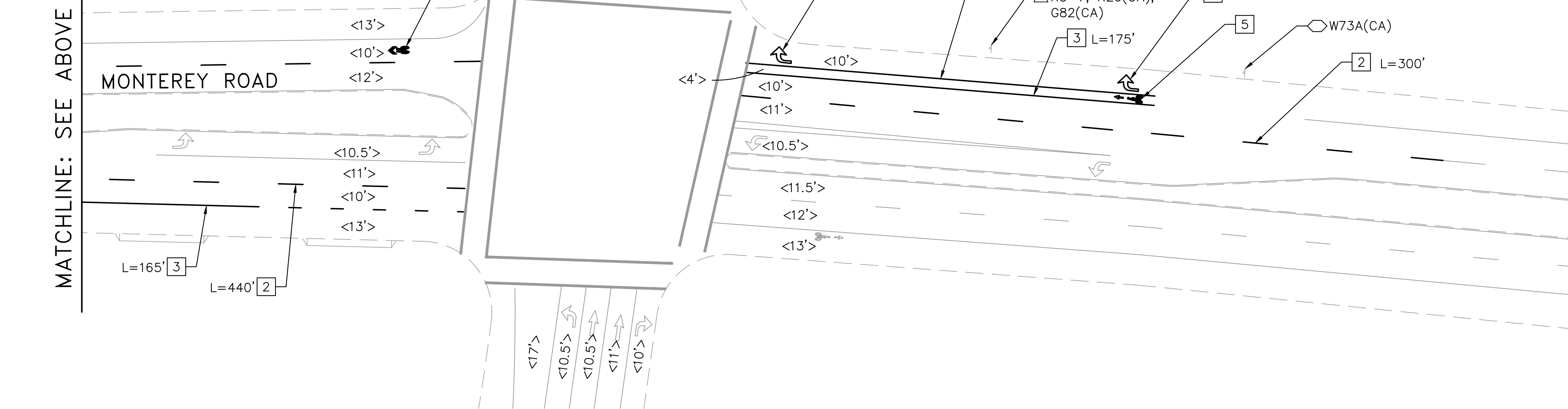
SUPERVISED BY:
LEOPOLDO TRUJILLO
REGISTERED CIVIL ENGINEER
RCE #3950
EXP. DATE 9-30-22
L. Trujillo
SIGNATURE
11/16/21
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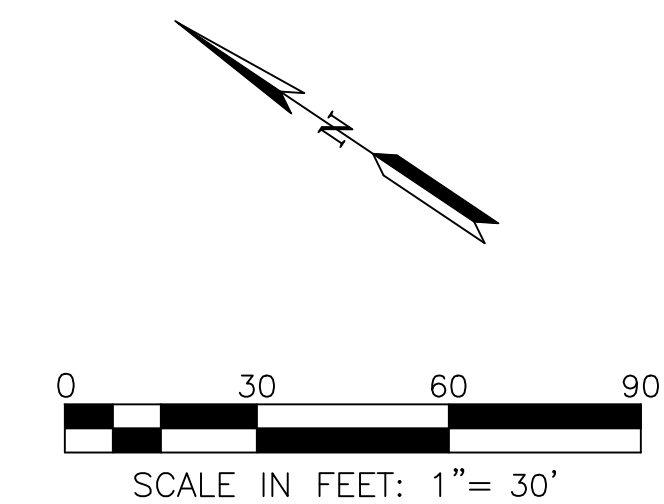
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MONTEREY RD COMPLETE STREETS TRIAL PROJECT
PD-1: STRIPING REMOVAL PLAN

FILE NUMBER: 202046
PRINT DATE: 11-16-21
SHEET NUMBER: 2 of 5



- ### PROJECT NOTES (THIS SHEET)
- 1 REMOVE EXISTING 12" CROSSWALK OR LIMIT LINE STRIPE
 - 2 REMOVE EXISTING WHITE DASHED STRIPE
 - 3 REMOVE EXISTING WHITE THRU/TURN LANE STRIPE
 - 4 REMOVE EXISTING PAVEMENT ARROW
 - 5 REMOVE EXISTING PAVEMENT BIKE LEGEND



CITY OF MORGAN HILL

REGISTERED PROFESSIONAL ENGINEER
LEOPOLDO TRUJILLO
63950
Exp. 9-30-22
CIVIL
STATE OF CALIFORNIA



MONTEREY RD COMPLETE STREETS TRIAL PROJECT PD-2: STRIPING REMOVAL PLAN

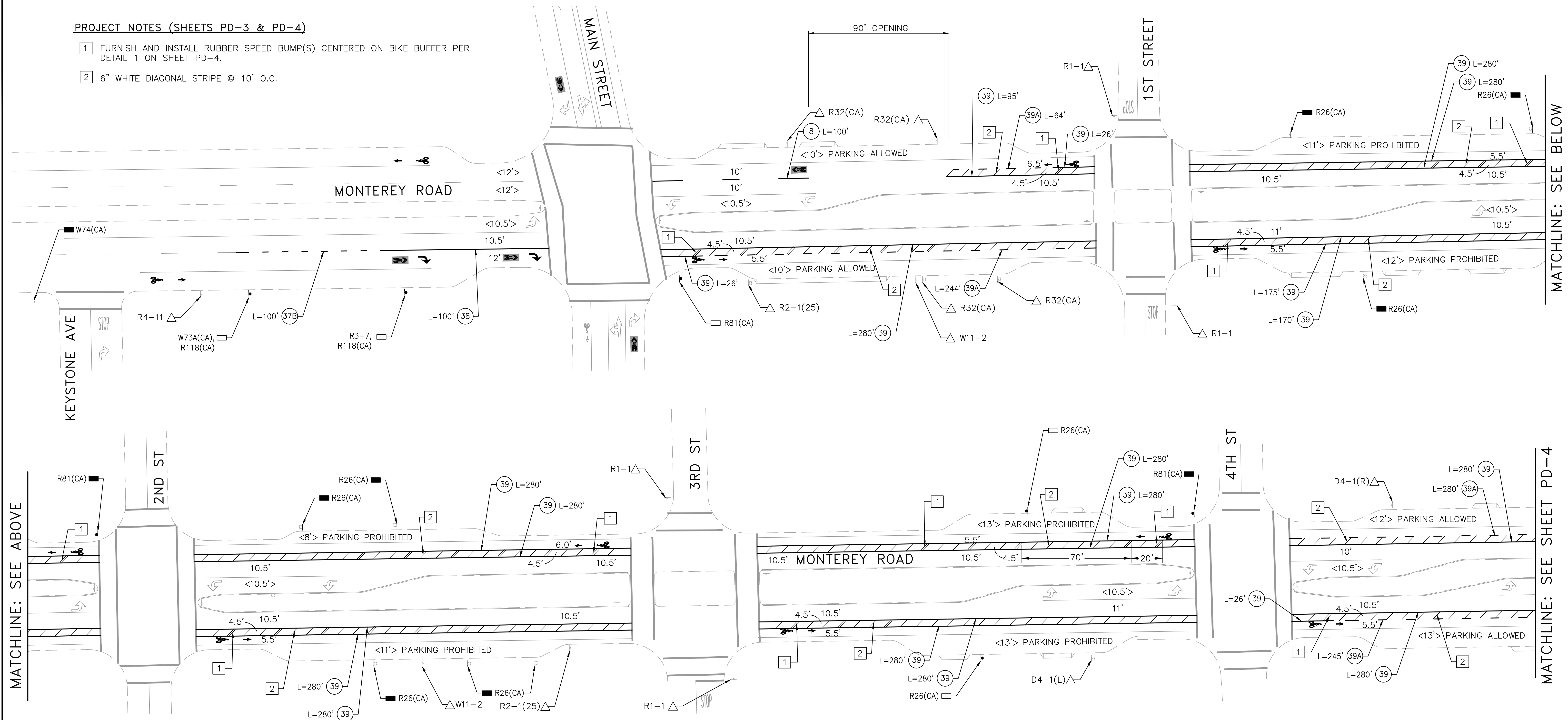
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202046

PRINT DATE:
11-16-21

SHEET NUMBER:
3 of 5

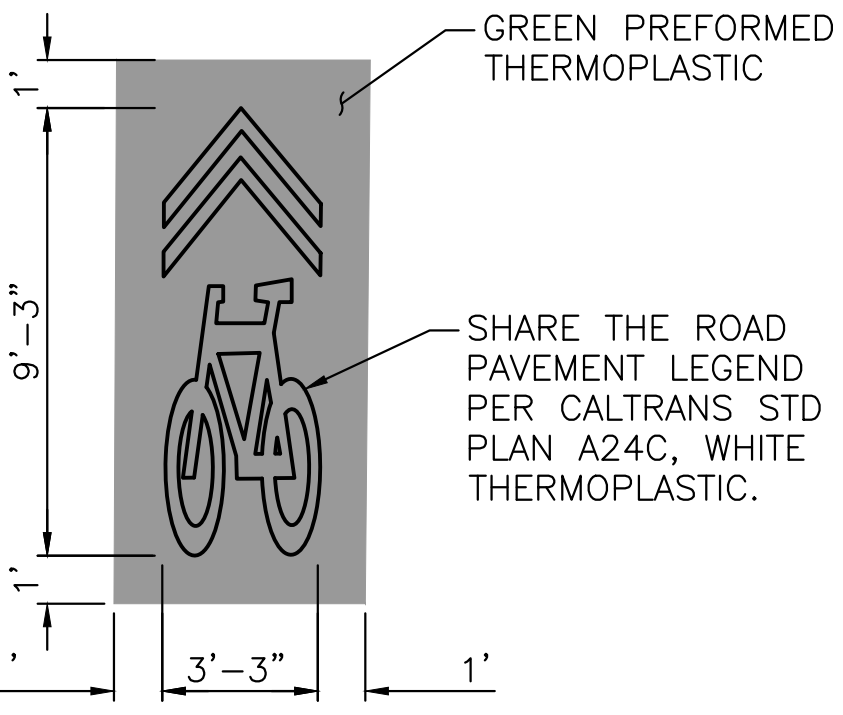
PROJECT NOTES (SHEETS PD-3 & PD-4)

- 1 FURNISH AND INSTALL RUBBER SPEED BUMP(S) CENTERED ON BIKE BUFFER PER DETAIL 1 ON SHEET PD-4.
- 2 6" WHITE DIAGONAL STRIPE @ 10' O.C.



MATCHLINE: SEE ABOVE

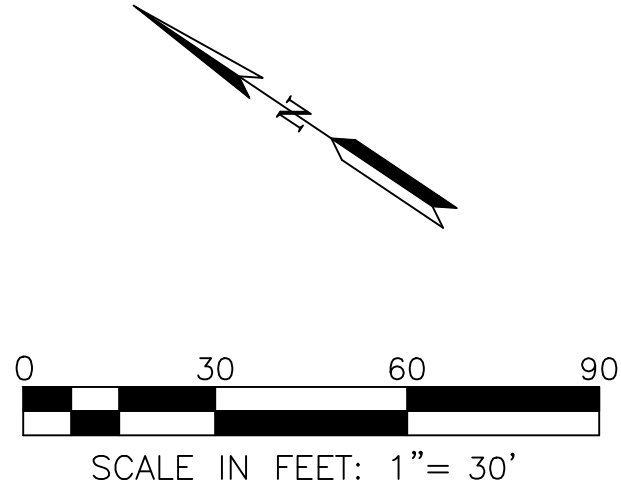
MATCHLINE: SEE SHEET PD-4



SHARROW DETAIL
NO SCALE

LEGEND (THIS SHEET)

- = EXISTING PAVEMENT STRIPING
- = NEW PAVEMENT STRIPE
- STOP = EXISTING PAVEMENT LEGEND
- ↩ = EXISTING PAVEMENT ARROW
- ↩ ↩ = NEW TYPE IV ARROWS
- ↩ = NEW TYPE I (10') ARROW
- ↩ = NEW BIKE LANE PAVEMENT LEGEND
- ↩ = NEW SHARE THE ROAD LEGEND, PER "SHARROW DETAIL" ON THIS SHEET
- △ = EXISTING ROADSIDE SIGN
- △ = NEW/RELOCATED ROADSIDE SIGN
- △ = EXISTING ROADSIDE SIGN TO REMAIN
- = EXISTING ROADSIDE SIGN TO BE REMOVED
- ◇ = RELOCATE EXISTING ROADSIDE SIGN (FURNISH NEW POST)
- = INSTALL NEW ROADSIDE SIGN AND POST
- = INSTALL NEW ROADSIDE SIGN ON EXISTING SIGN POST/STREET LIGHT POST
- # = CALTRANS STRIPING DETAIL #



RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-0300 FAX: (408) 848-0302

				WORK ACCEPTED:	INSPECTOR:	DRAWN: ERIK TRUJILLO	DESIGN: ERIK TRUJILLO	HOR: 1"=30'
						CHECKED: LEO TRUJILLO	DATE:	VERT: NONE
NO.	DESCRIPTION	DATE	BY:			DATE:	APPROVED:	DATE:
Revisions						SCOTT G. GREER – CITY ENGINEER R.C.E. #08879 EXP. 06/30/2023		



Public Works Department
17575 PEAK AVENUE, MORGAN HILL, CA 95037
(408) 776-6480, Fax (408) 779-7236

SUPERVISED BY:
LEOPOLDO TRUJILLO
REGISTERED CIVIL ENGINEER
RCE #63950
EXP. DATE 9-30-22
L. Trujillo
SIGNATURE DATE 11/16/21

MONTEREY RD COMPLETE
STREETS TRIAL PROJECT
PD-3: SIGNING AND STRIPING PLAN

FILE NUMBER: 202046
PRINT DATE: 11-16-21
SHEET NUMBER: 4 of 5

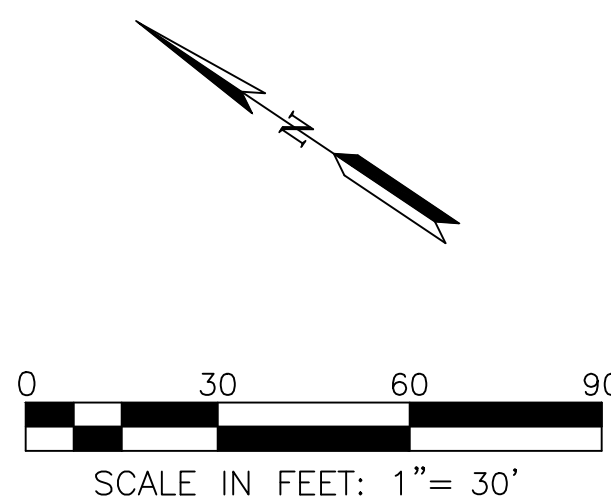
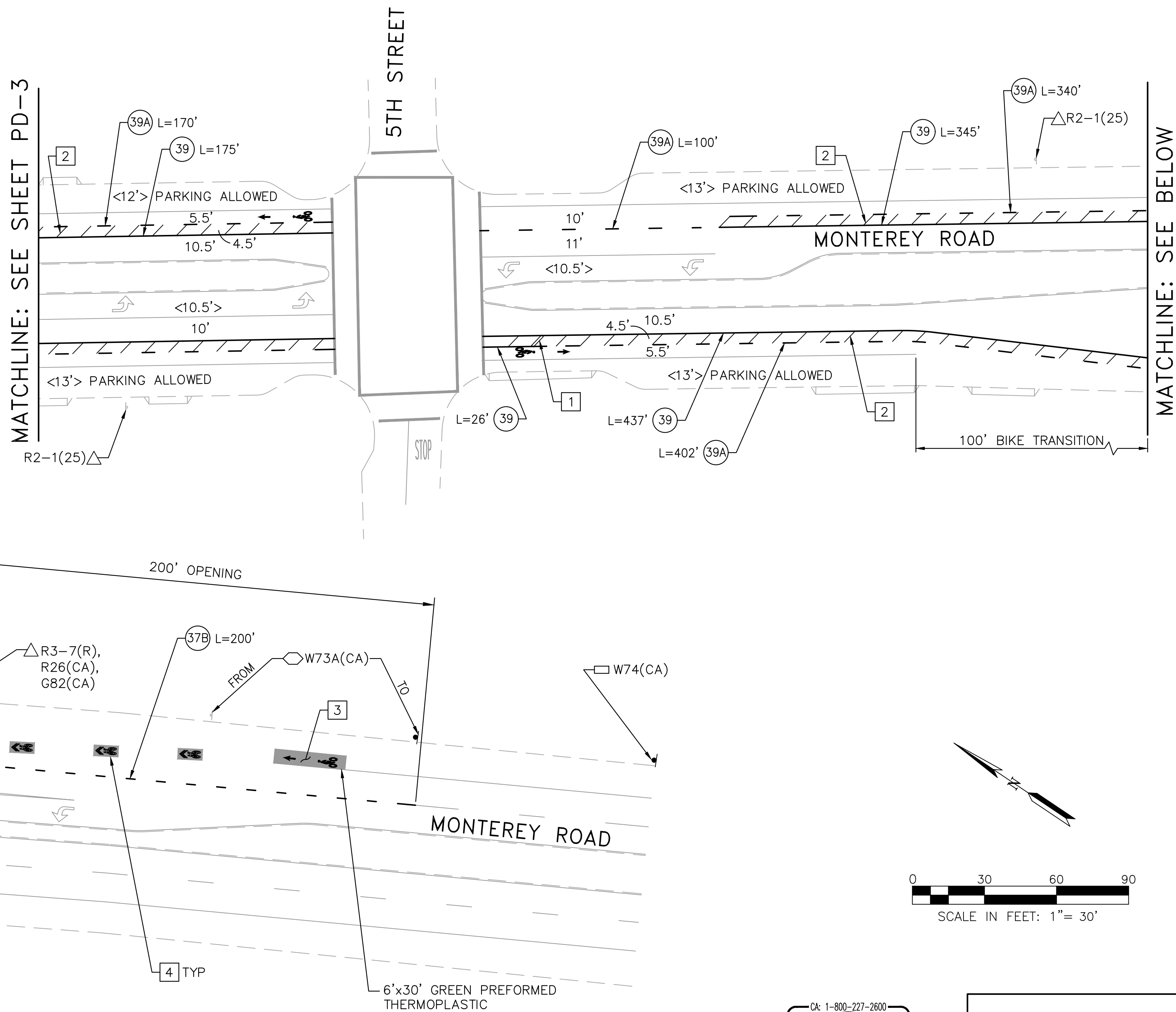
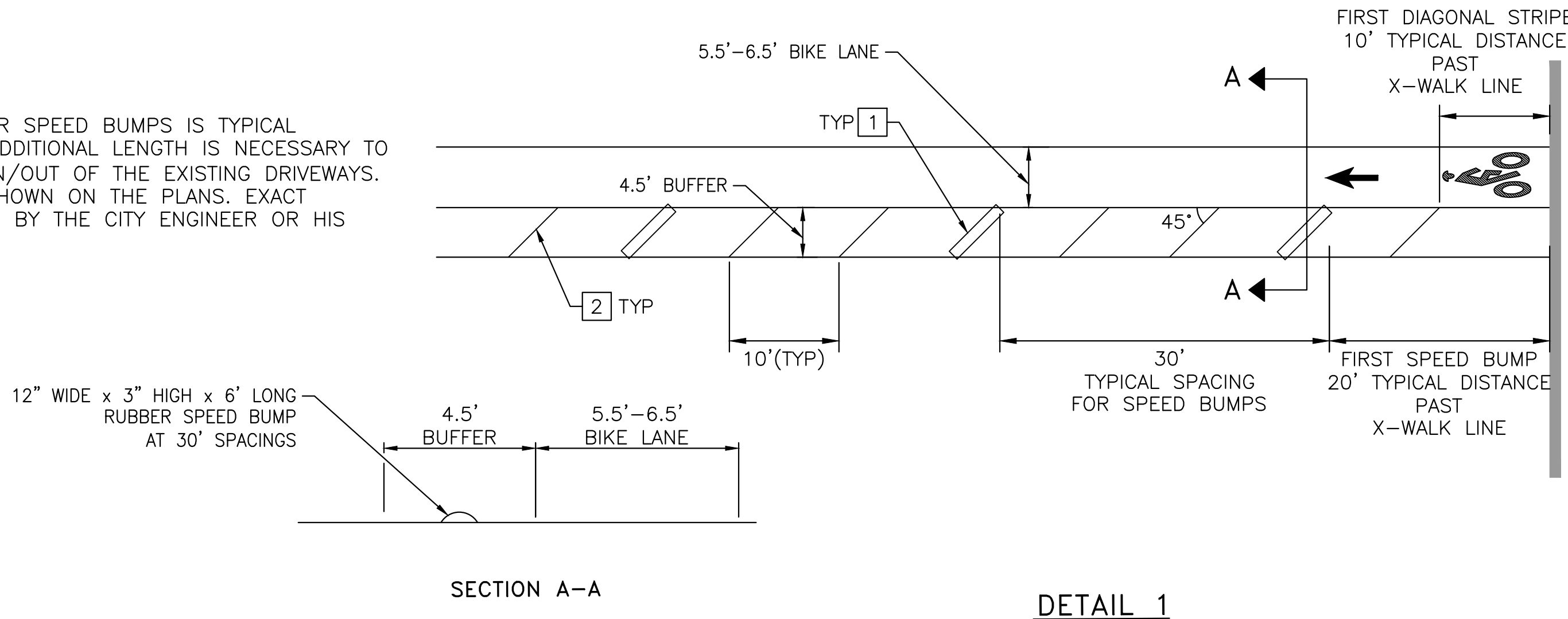
PROJECT NOTES (SHEETS PD-3 & PD-4)

- 1 FURNISH AND INSTALL RUBBER SPEED BUMP(S) CENTERED ON BIKE BUFFER PER DETAIL 1 ON SHEET PD-4.
- 2 6" WHITE DIAGONAL STRIPE @ 10' O.C.
- 3 REMOVE EXISTING BIKE LANE LEGEND AND FURNISH AND INSTALL GREEN PREFORMED THERMOPLASTIC STRIPING IN BETWEEN WHITE BIKE LANE STRIPES.
- 4 FURNISH AND INSTALL STRIPING PER SHARROW DETAIL ON THIS SHEET.

REFER TO SHEET PD-3 FOR SIGNING & STRIPING LEGEND

NOTE:

THE 30' SPACING DISTANCE FOR THE RUBBER SPEED BUMPS IS TYPICAL THROUGHOUT THE PROJECT, EXCEPT WHEN ADDITIONAL LENGTH IS NECESSARY TO PROVIDE ADEQUATE VEHICULAR MOVEMENTS IN/OUT OF THE EXISTING DRIVEWAYS. IN THIS CASE, THE SPACING DIMENSION IS SHOWN ON THE PLANS. EXACT PLACEMENT TO BE DETERMINED IN THE FIELD BY THE CITY ENGINEER OR HIS DESIGNATED REPRESENTATIVE.



NO.	DESCRIPTION	DATE	BY	BY:	DATE:

Revisions



Public Works Department
17575 PEAK AVENUE, MORGAN HILL, CA 95037
(408) 776-6480, Fax (408) 779-7236

SUPERVISED BY:
LEOPOLDO TRUJILLO
REGISTERED CIVIL ENGINEER
RCE 63950
EXP. DATE 9-30-22
63950
Exp. 9-30-22
CIVIL
STATE OF CALIFORNIA
SIGNATURE: *Leopoldo Trujillo*
DATE: 11/16/21



MONTEREY RD COMPLETE
STREETS TRIAL PROJECT
PD-4: SIGNING AND STRIPING PLAN

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FILE NUMBER:
202046
PRINT DATE:
11-16-21
SHEET NUMBER:
5 of 5

streetscape interface



Interface

BACKGROUND

This package should serve as the completion of our schematic efforts for the Morgan Hill streetscape interface. In it, please find two final concepts, "agricultural" and "industrial," developed in collaboration with ANLA Associates.

We have prepared a separate package illustrating these concepts in more detail. This package could aid city planning as a guideline. Additionally, an engineering package of bollard details is forthcoming from RCLSE Structural Engineers.

This interface study focuses on portions of Monterey Street between Main and Dunne Avenues.

This design has evolved through visioning, community meetings, and staff input. The current design shows a lane reduction as part of the Complete Streets plan for Morgan Hill. The parklets, as designed, would function as intended with or without this lane reduction.

This final design accounts for the following explicit background input

- CalTrans 2018 Standards and Specifications
- "Visual and In-Person Survey Findings," provided 9/7/21
- "Visit Morgan Hill Brand Guidelines," provided 9/7/21
- "Morgan Hill Tour Video," provided 9/7/21
- Complete Streets plan, provided 4/30/21

The parklet layout will allow for parking and loading to remain on Monterey Street where new parklets are not developed.

New landscape concepts included at the end of this package are drought tolerant, clean (minimal foliage), non-toxic, and provide some visual interest.

The parklets are intended to be at same elevation as the adjacent sidewalk to allow for accessibility. Individual furnishings, and selection thereof, are intended to be provided by the business served by the parklet.

These concepts aim to speak to the genuine charm and character of the city of Morgan Hill. The interface and parklets are designed to be practical, functional for users, events, transportation, and maintenance.

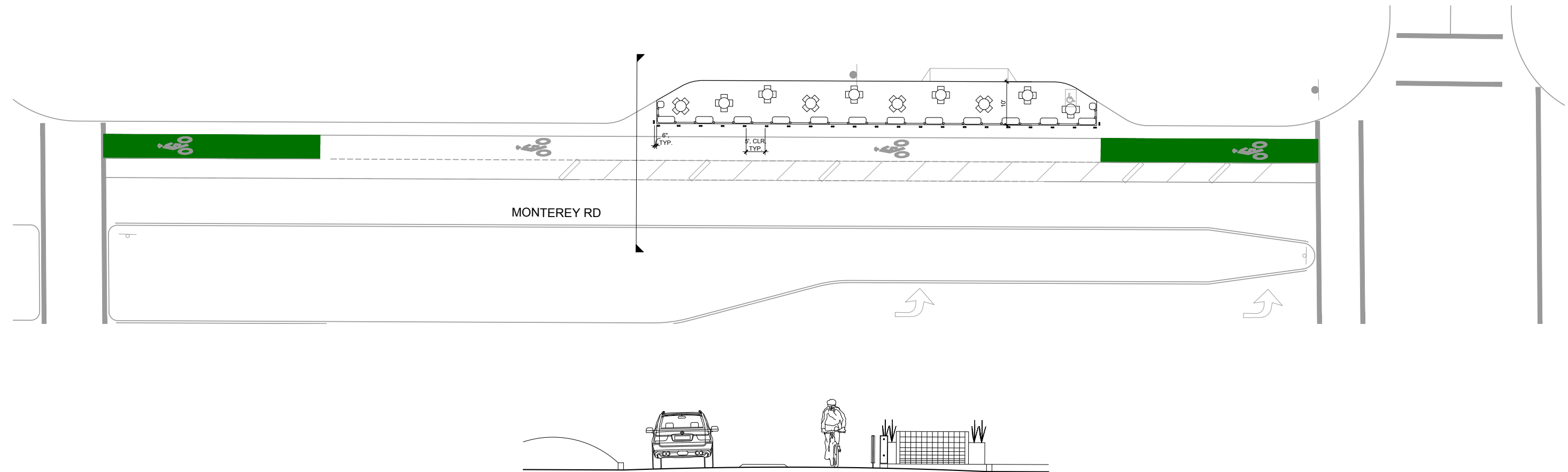
Sincerely,



Alex Smith, AIA, LEED AP

AP+I Design

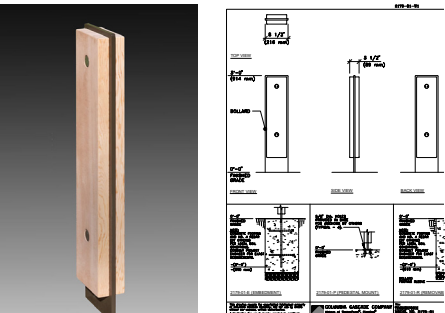
Interface Option 1 (Agricultural Influence)



PLANTER WITH RESERVOIR



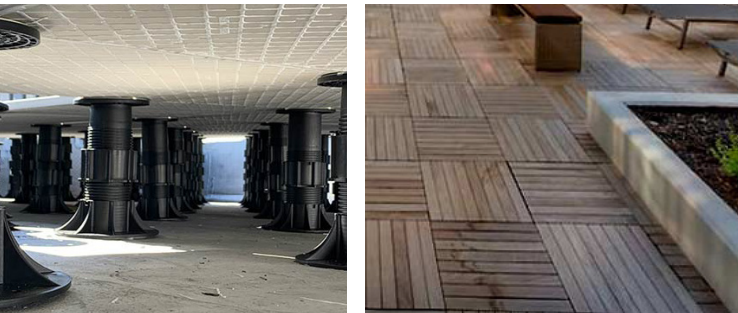
BOLLARD



SIDING OR RAILING



DECKING: PEDESTAL SYSTEM



Interface Option 1 (Agricultural Influence)



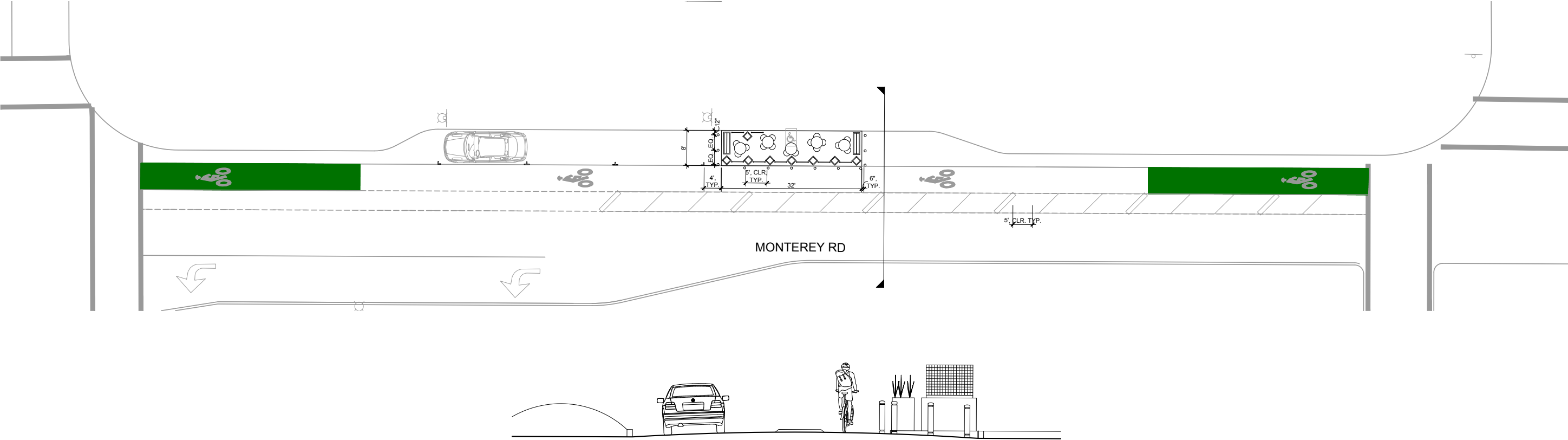
Interface Option 1 (Agricultural Influcence)



Interface Option 1 (Agricultural Influcence)



Interface Option 2 (Industrial Influcence)



PLANTER WITH RESERVOIR AND TRELLIS



BOLLARD



RAILING



CONCRETE PAD WITH SALT FINISH



Interface Option 2 (Industrial Influence)



Interface Option 2 (Industrial Influcence)



Interface Option 2 (Industrial Influcence)



Plant Palette Options

PALETTE A



LAVANDULA
ANGUSTIFOLIA



MENTHA



ORIGANUM
VULGARE



ROSMARINUS
OFFICINALIS

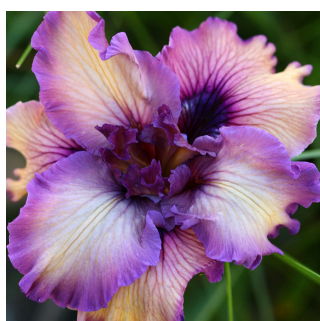


SANTOLINA
CHAMAECYPARISSUS



TULBAGHIA
VIOLACEA

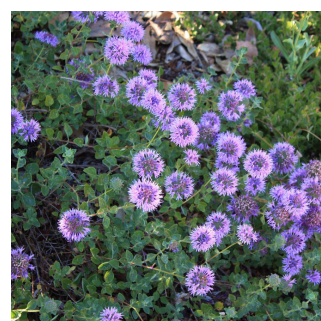
PALETTE B



IRIS DOUGLASIANA



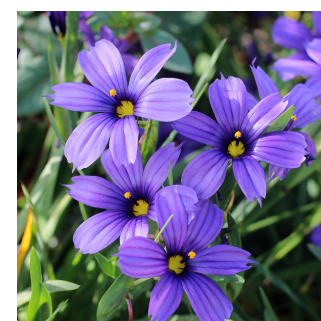
MIMULUS



MONDARDELLA
VILLOSA



PENSTEMON
SPACTABILLIS



SISYRINCHIUM
BELLUM

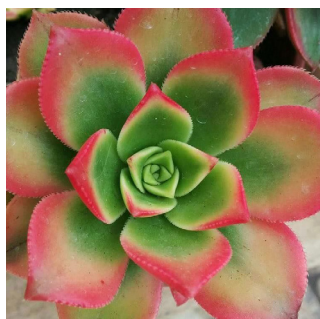


DWARF PHORMIUM

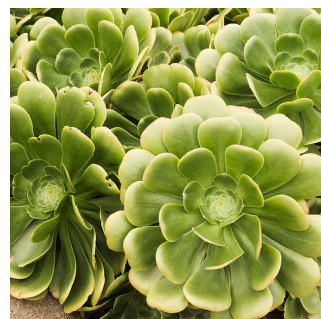


ZAUCHNERIA
CALIFORNICA

PALETTE C



AEONIUM
ARBOREUM



AEONIUM URBICUM



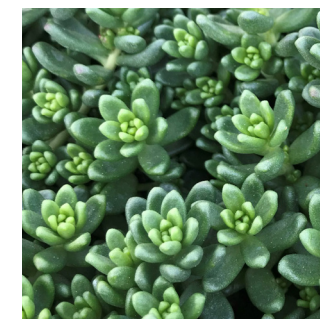
BOUTELOUA
GRACILIS



EXHAVERIA



ERIGERON
KARVINSKIANUS



SEDUM ALBUM



FESTUCA OVINA



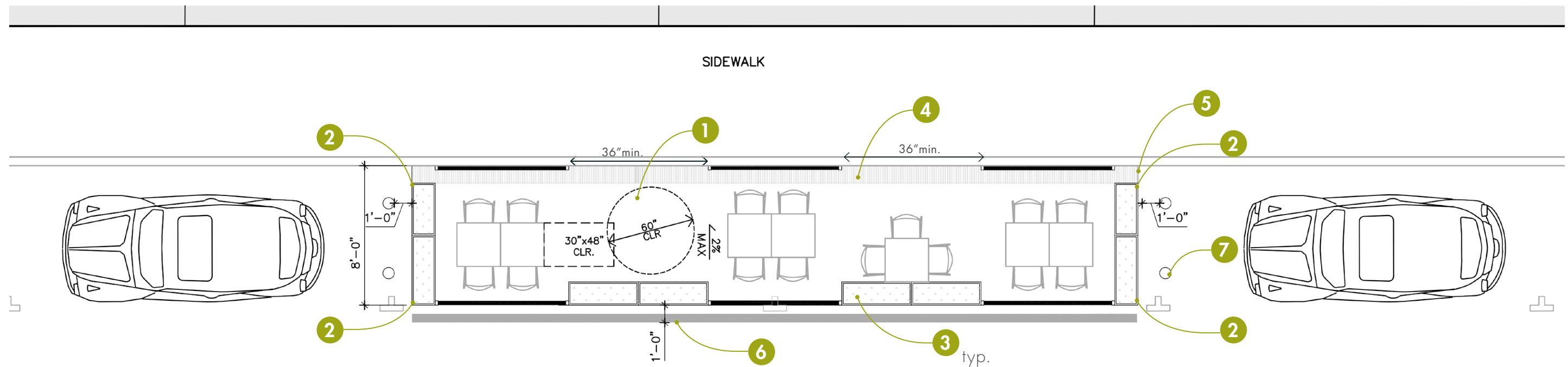
SEDUM

thank you!

SCHEMATIC DESIGN

morgan hill downtown interface parklet concepts

general requirements * *

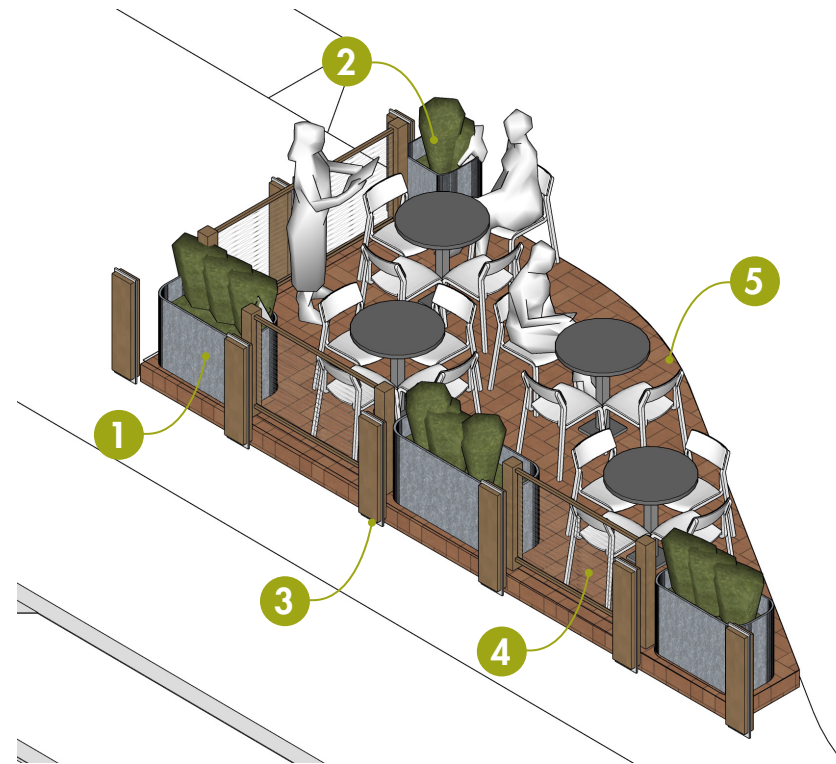


- 1 accessible dining and wheelchair space
- 2 reflective delineator - 3M reflective tape series 938 3"W x 12"L red and white or similar
- 3 traffic barricade planter (capable of withstanding 500 pounds of horizontal force)
- 4 trench grate standard ada by urban accessories
- 5 metal gutter guard screen mesh at inflow curb side of gutter - wire diameter 0.047 opening 0.203"
- 6 6" wide solid white marking 1'-0" from parklet
- 7 bollard

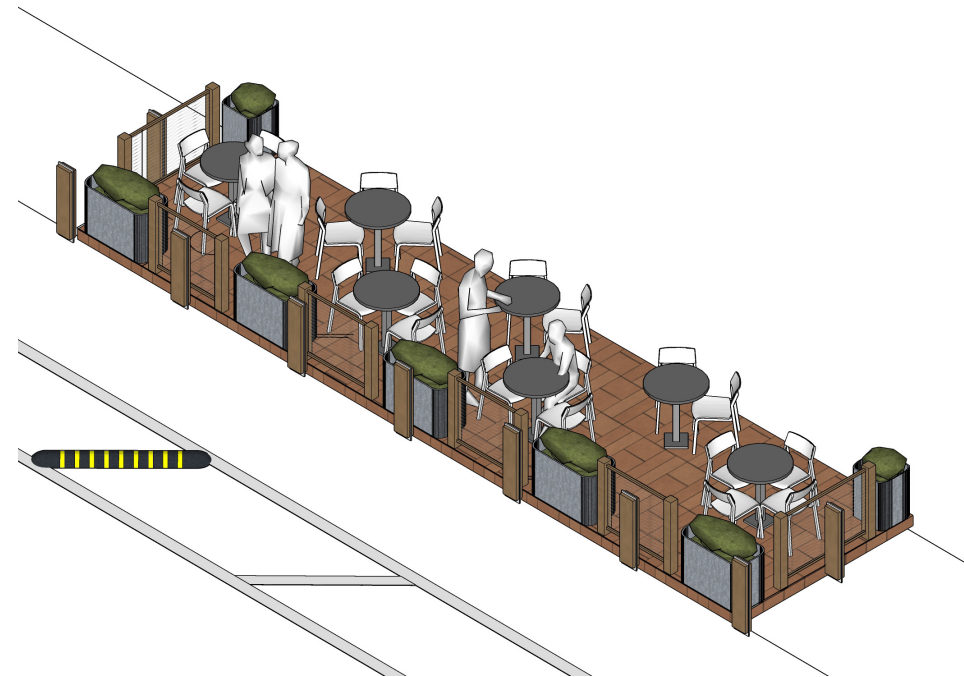
**generic layout shown, see following page for concept plans and materials

option 1 | "agricultural"

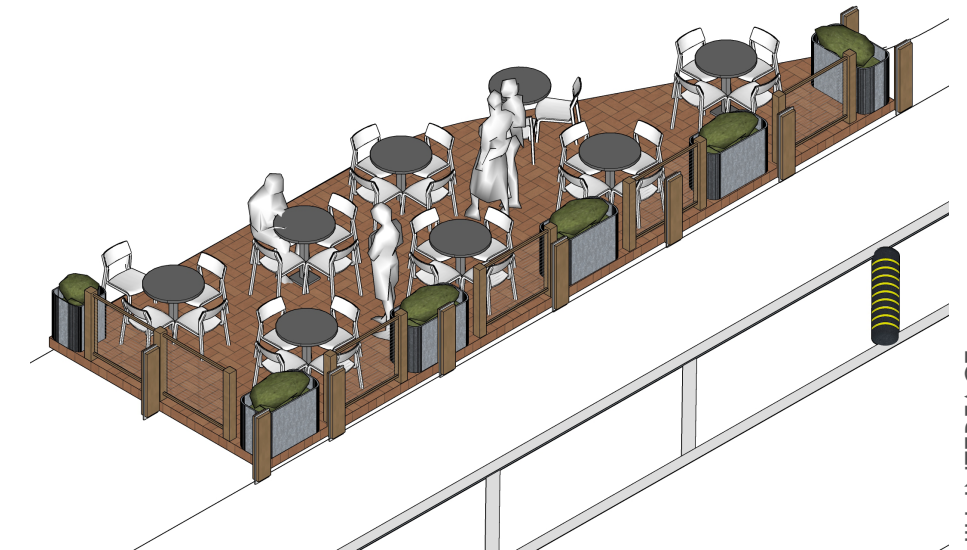
Shown at 3 typical locations on Monterey Street between Main and Dunne Avenues



^Parklet abutting intersection bulb out (small size)



^Parklet at mid-block



^Parklet abutting intersection bulb out (large size)



1 primary planter w/ reservoir
Behlen Country or equal



2 secondary planter w/ reservoir
repurposed wine barrel



3 bollard
TiberForm 2179-01
by Columbia Cascade
Company, or Equal



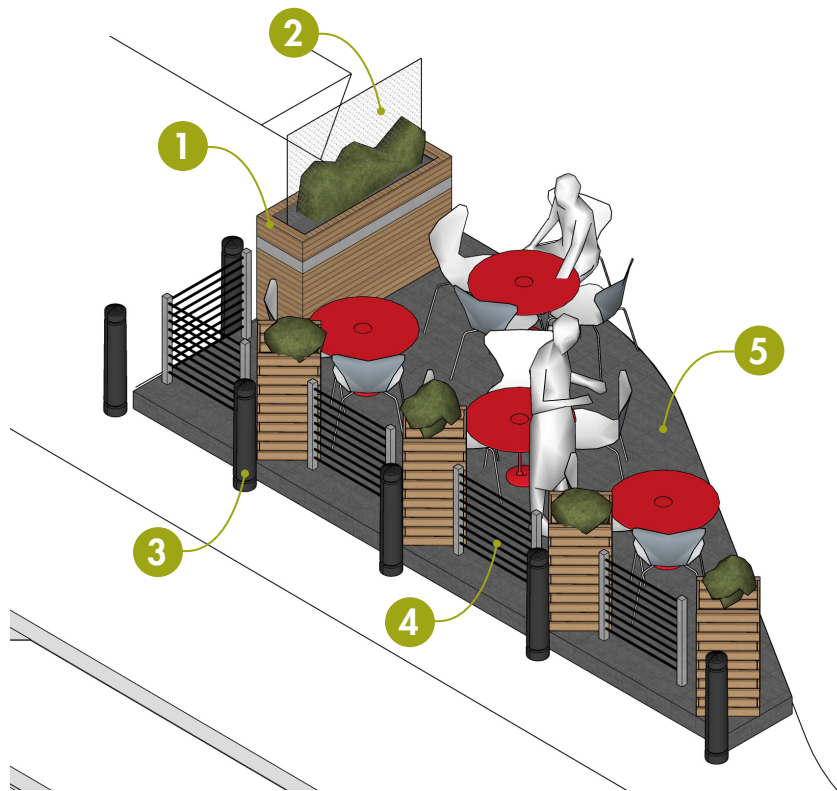
4 railing
framed hog wire
2x4" maximum
openings



5 parklet surface
brick stamped concrete
or other texture

option 2 | “industrial”

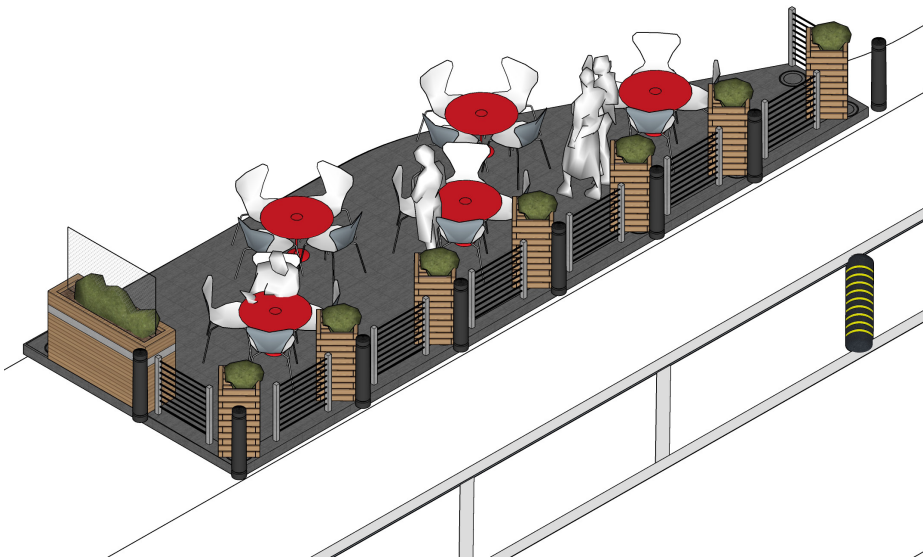
Shown at 3 typical locations on Monterey Street between Main and Dunne Avenues



^Parklet abutting intersection bulb out (small size)



^Parklet at mid-block



^Parklet abutting intersection bulb out (large size)



1 primary planter w/ reservoir
Boulevard mixed media planter or equal



2 planter trellis
supported welded or woven wire mesh



3 bollard
painted or anodized cast aluminum or steel



4 railing
tensioned cable railing 3.5" maximum spacing



5 parklet surface
concrete pad with salt finish

Monterey Road Complete Streets Project Feedback - November 2021

Go for it!! It is not safe the way it is! Too many speeding cars and motorcycles.

Lane reduction is a TERRIBLE idea. Lane reduction has been rejected by the citizens of Morgan Hill every time it comes up. The last two trial runs were a complete disaster downtown. Please Do NOT reduce downtown to one lane. At the very minimum, put it ON THE BALLOT and let the voters decide.

With Hale extension this will be a great addition to Morgan Hill cultural and social vibe.

Big NO for the project, the traffic is already a nightmare everyday there so don't understand why have to make it worst. I will personally avoid downtown so not good for the downtown businesses and I am sure I am not alone plus did the city of MH tried that few years back and it didn't work.

"Survey results from the (reduced lane) Pilot project indicated 67 percent of residents surveyed were not in favor of the project."

Two thirds of the people are against the lane reduction and we are doing it anyway?

This is not government for the people.

Please wait until the Hale Avenue extension is completed and has a year under its belt to see if traffic is naturally reduced on Monterey through town. Then reconsider this issue with that additional data.

Thank You,

I love the proposal for the lane reduction and beautification for downtown! Our climate is so well suited for outdoor dining. Not having the noise and danger of traffic whizzing by as one eats will be wonderful!

It would be beautiful however, realistically the amount of traffic that we are ready half on 101 Monterey Rd., Santa Teresa and then if you take out one lane of Monterey Road that is going to be a nightmare.

This project is not good for Morgan Hill. Reducing lanes in the 2015 experiment was a disaster. Traffic was a nightmare and surrounding neighborhoods suffered from reduced safety and increased traffic. My family list dr/dental appointments because of the increased congestion it caused. Stop this madness. Improve infrastructure, increase traffic capacity first then look at the possibility of a lane reduction on Monterey. This is a foolhardy plan.

This is a horrible idea that most Morgan hill residents oppose. When the lands were reduced previously, it created TONS of traffic. We avoided downtown completely because of it. It also created tons of traffic on butterfield which makes it hard to get to and from our home. We strongly oppose the reduction of lanes on Monterey road. We feel it will negatively impact residents and businesses.

Awesome!

I don't understand why they're putting a bike lane in instead of leaving two lanes for cars when we need it. It does not look beautified to me And it will only cause traffic problems like it has in the past. Not a good idea.

I Strongly OPPOSE the Monterey Road lane reduction proposal.

I support this 100%! Awesome!!! We love our downtown and this will be a positive improvement.

This will cause motorists to purposely avoid the downtown area as well as connected streets due to the horrendous traffic this will cause. This has been done before and failed for the exact same reason. Morgan Hill is already congested due to the arterial roadways being 101 and Butterfield. This makes that burden worse by relegating Monterey to a bottleneck into and out of town. Downtown needs to remain two lanes on both sides. If there are safety concerns they can be addressed without causing more problems than this plan solves.

The lane reduction has been brought up before and the residence of Morgan Hill have spoken. We do not like the idea and yet you continue to push it. It did not work the last time and it will not work this time. Very disappointed in Morgan Hill. I've spent most of my life here and I'm considering moving because of the poor choices that are taking the city in a very bad direction.

I feel very strongly that a lane reduction would be more of a hardship on our community than any benefit at this time. It is a vital artery in our limited, already and ever-increasingly congested roads. I would support the lane reduction in the future if/when additional north/south roads are added (or current ones expanded) to accommodate the traffic needs. The previous downtown lane reduction trial a few years ago proved to be painfully unsuccessful and there has been so much more growth/traffic since then, not to mention the even greater building growth already planned/in the works which will put an even greater strain on our very limited N/S arteries and the neighborhoods the traffic would spill over into. I support a 20 mph speed limit downtown for safety. Thank you.

I am good with beautification efforts, but am AGAINST closing one lane. Please keep both lanes open.

I don't think the project goes far enough, and this should have been the complete pedestrianization of that stretch of Monterey Rd. It would achieve the traffic calming measures, and provide a great outside space for local businesses to encourage greater adoption of MH downtown.

Alternatively, and at the very least, I would hope that the stretch of Monterey Rd could be closed off to all traffic at certain times, perhaps weekends for the same purpose.

Do not start this project it will not benefit our city. A waste of funds. Poor planning is evident. The citizens do not want this street reduction.

Do the proposed lane reduction@

We live on Oak Grove Ct, off of Wright, not far from the intersection of Wright and Peak. The 2015 situation on Wright bordered on the ridiculous; it's not a street designed to take the volume of Monterey, nor should it be -- it's residential, not commercial. To be frank, I can't see anything in the plan that would avoid repeating the same issue. It's a simply a logical choice for southbound drivers, suddenly hitting immobile traffic due to a lane reduction, to make an escape onto Wright and head East on Peak.

I am against the lane reduction plan as traffic is bad enough as is, and with continued housing construction and growth, this is only getting worse. Monterey is a major throughput and connecting Hale/Santa Theresa won't alleviate this. If their is a Lane reduction, this will over divert the already terrible traffic congestion to Butterfield and Hale.

This topic has been voted down by the residents here of Morgan Hill several times, so why does this keep coming back up. Unless their is a plan to tunnel under Monterey through downtown to keep traffic flowing, Lane reduction is a ridiculous concept.

I do not think the analysis of negative outcomes of the past lane closure was entirely accurate. I attended all the city council meetings devoted to this subject. Surface streets were highly impacted and your analysis does not reflect that. Some business felt negative rather than positive impact. Regardless of public opinion, the council seems determined to pursue the one lane situation. I will avoid the businesses downtown once it is in effect. I already time my downtown business visits to miss the busiest traffic and hardest times to find parking -- including the parking garage. It took 5 lights to get across Monterey St at Main at 4PM today.

This did NOT work the last time! HUGE waste of money! Do not support this at all! Just diverted traffic and did not bring more people to shop downtown, Actually made me avoid going through downtown almost 100% of the time.

This was an absolute disaster the first you tried it and despite the residents of Morgan Hill telling you we didn't want it then and don't want it now, you are still moving forward with this plan. It increased commute time to and from San Jose by at least 30 minutes both ways. It diverted some traffic to residential neighborhoods causing them increased traffic. This is as bad an idea as all of the construction the city allowed. We are now at the point that there isn't a vacant lot in all of Morgan Hill where building isn't occurring. What was once a beautiful retreat away from the massive hoards of people in San Jose has become "Little San Jose." Don't make this even worse by doing this again. The residents are now trying to get a ballot measure to force the city to allow the residents to vote on this issue before it can be enacted in Morgan Hill. What does that tell the city leaders, or are they so disinterested in the voice of the people that they don't even care????

I believe with the traffic we have here in South County , all roads , and I mean ALL , plus 101 , closing Monterey to one lane when when people trying to get to work , parents all over Morgan Hill trying to get their children to schools , this would be a disservice to our community. Great for downtown merchants, sidewalk dinning , BUT , all and all for the community a complete disaster.
I am just as vehemently opposed to this project as ever. I lose too much time coming home from Bailey Rd as it is. Please stop this from moving forward! Please listen to the residents of this community.
Yes! We need to calm traffic for safety and ambience, support businesses in expansion, and make downtown a place for PEOPLE...not cars! We can't do both. Willow Glen had lots of opposition to their lane reduction and now they love it. Hollister has an amazing People-centered downtown that is worth the drive once you get out of your car! Make Morgan Hill a place where people will want to get out of their cars and stay awhile rather than just drive through.
I like the plan to improve efficiency on Butterfield and, eventually, the Hale extension
Less parking, my time downtown will cease
Bad idea. Cause more traffic and will cause people to avoid downtown. People will not go there as much and it will hurt a already hurting economy.
What do you say to the community that is totally against lane reduction and what is different then the failed attempt 5yrs ago?
I am against this project until Butterfield Blvd is widened to support cross town traffic.
I am very happy that you are doing this. We love riding downtown to eat or get ice cream as a family and it can be so scary with our young kids. I look forward to downtown being an even better place to gather and spend time together.
Bad idea. Inconvenience thousands fir the benefit if very few.
Until such time there is an abundance of easy access ALTERNATE routes to handle traffic flow - lane reductions downtown will create more problems than it will solve. Premature lane reductions will discourage people from supporting downtown business and create a negative mental impression in the minds and attitudes of many in the community.
We have tried the lane reduction going through downtown in the past, it did not increase business. From my understanding business decreased and commute times increased. Why after adding residents would it work any better this time around. Clearly this has not been though out. As a taxpayer and resident of morgan hill, I find it deplorable that the city counsel would even consider approving something such as thus that the residents are clearly against. Fewer cars means fewer people stopping. I have children who are in school, in order to transport them to school Monterey is the ONLY option! I plan on voting against each counsel member who approved this. This won't make our town, better, safer, more pedestrian friendly.
I appose the single lay each way of traffic on Monterey Road. The city tried this approach previously and it didn't work. It only creates gridlock and many avoids downtown if necessary . It is good for businesses having two lanes of cars and people will stop if interested and park. Bicycle riders don't stop and buy. Hope the city listens and keep both lanes each way open.
How will this affect the traffic and has there been a study on what will happen to the congestion that will be caused by routing all to Butterfield? Traffic has increased dramatically within the last 5 years in Morgan Hill as people are moving more south of San Jose. If 101 was increased to 4 lanes, I can see this working out without being detrimental. Commutes are already long enough.

"Oh heavens, again?!" Those were my thoughts when I heard that the city was going to push through the "Road Diet/Complete Streets" agenda, again. It was a mess last time and it will be a mess again. 101 is absurd during rush hour and many people use our side streets as their main arteries to avoid driving the freeway. Cutting Monterey Road, a main artery of travel, in half will only add to the chaotic commute. I understand that the Hale extension is happening and that might offer a partial alternative on the west side of town, Monterey Road is one of our main thoroughfares...do not cripple our ability to drive our own town even more.

I don't know why insist to do this kind of wasting money, MH growths so much in the las 5 years, building houses left and right, in any pothole available bringing with that so much traffic that is impossible to go around town during the day and the afternoon. MH is a town (I don't know if you guys noticed) that has only 2 roads to go through town, one of them is Monterey Rd, if you through on top of that 3 traffic lights and 3 pedestrians crossing between Main and Dunne what is going to happen? Total chaos...!!! Do you remember when you guys tried to make the bike line in the same strech? Try to do something that will bring real benefits to our town and not try to put money in the wrong pockets.

Please do not do this. This will make traffic and parking much worse in Morgan Hill. We tried this a few years ago and it was a disaster. Nothing has substantially changed from then. If you want to help the downtown traffic then work to get 101 expanded from Cochrane to Tennant or further.

This didn't work the last time it was tried. The people have spoke up and do not want this. I live in DT and it's already a headache to get to Safeway during peak traffic times, but will be much worse if this terrible plan is enacted. Please listen to the residents and not just the people you want to please!!!

The Monterey Road lane reduction will not only cause more traffic but it will make people avoid coming to Morgan Hill to dine out. Work with the state on expanding 101 and other alternatives before adding chaos to our city.

This is, as it always was, a bad idea. Please remember what a disaster it was last time.

The proposed lane reduction and beautification process will guarantee a safer downtown for Morgan Hill. Drivers tear down Monterey loudly and at high speeds which is dangerous for pedestrians, other vehicles, and the surrounding businesses. Monterey is a family area.. there's a little bit for everyone around with a playground, delicious restaurants, outdoor seating. Monterey is not and shouldn't be treated as a highway or major thoroughfare. Although residents may be worried about increased traffic due to the lane reduction, we will be seeing decreased traffic in an area that is vital to our community which leads to a safer and more family friendly environment. Morgan hill has many other roads that are intended to be thoroughfares running parallel to Monterey and appropriate infrastructure that will be able to maintain the traffic that would be rerouted from Monterey - a fair trade off for safety and growth in our community. I SUPPORT and am very excited for the forward progress on the lane reduction and beautification process.

This was tried twice already with failed results. Why are continuing down this idea? Waste of money and doesn't make DT any safer (see park lite issues). Hale wont be completed until 2024 at best, this will create an even worse issue for main / peak /dewitt neighborhood roads for quite sometime.

I love this idea. With Santa Teresa and Butterfield as north/south alternate routes, hopefully we'll have fewer cars in downtown on Monterey. We may need more parking, however. City Council and the Planning Commission need to encourage interesting shops to locate downtown so we have more pedestrian traffic. We have lots of great restaurants but need other businesses like a wine and cheese shop, a mini grocery store for residents, dare I say a book store like Hickbees. But the rent cannot be too high. I loved Booksmart downtown but...

I don't I understand the logic of reducing traffic on Monterey Street downtown and re-routing the traffic thru residential areas on the Hale extension. Since when does it make sense to move traffic off a commercial street and put it in a residential street.

I AM NOT in favor of the proposed Monterey road lane reduction!

We are not in favor of the proposed Monterey Road lane reduction proposal. We live on the west side of Morgan Hill, and the awkward corridors for traveling south from where we live are already highly congested during commute times. Many drivers are frustrated and behaving dangerously. With the exploding growth of population in Morgan Hill and communities to the south, lane reduction doesn't make sense.

Beautification makes sense though. I'm not sure that outdoor dining areas fall under that description. Landscape, trees, small parks and areas to rest the eyes from the abundance of ugly, insensitive architecture does make sense. The entire stretch of Monterey Road through Morgan Hill is very poorly planned with no continuity. Efforts could be made to improve it as a whole.

Leave the streets the way they are. This is not a good idea. Parking is already difficult. I am against this proposal. In my opinion, it will only increase traffic and make it unsafe for cyclists and pedestrians.

Lane reduction is a poor idea. It will increase traffic in neighborhoods and make a corridor (Butterfield) for speeding lawbreakers to run from police. At the very least do not waste the community's money on some ugly statue like San Jose did at Plaza de Cesar Chavez.

We do not want a road diet. The best way to slow traffic is traffic light timing. The same number of vehicles crammed into a single lane will make for constant stream of congestion. It will also make it difficult to park on the street. We want our town, quaint, not woke.

This is a great idea! Looking forward to activating the streets to people and having traffic redirected to parallel streets.

Taking away a lane creates traffic conditions throughout the city during a rush for downtown and side streets. This plan unfairly impacts parents driving their children to and from school. This plan will create a constant stream of cars going through the downtown area.

Please reconsider closing the downtown Monterey street on weekends so that we can have a safe place to stroll and enjoy our restaurants and stores without having to navigate the never ending chain of traffic.

How many times do we not learn from our past mistakes. Moving traffic to residential streets will cause hazards to both life and property. ☹️

I think most of the money for this would be better spent elsewhere. Doesn't Morgan Hill have a budget deficit? The traffic light upgrades on Butterfield are a good idea. How about using this money on additional police and police training. Then have them spend some of their time in downtown ticketing speeders and loud vehicles?

I don't think I'll ever drive downtown Morgan Hill with one lane only open. Who is going to drive in high traffic jammed street. This is going to hurt business because of potential customers that drive by and later make plans to come back and dine or shop there.

This will only make traffic so much worse. This is not a good idea. It effects local business.

I believe it is a stupidity to want to reduce the lanes on Monterey Rd. There was a trail period a couple of years ago and it did not go well. There is enough traffic in town due to the City's choice to have all of these homes and buildings built, enough is enough.

Greetings City People,

I was looking forward to substantial detail at the Pop-up Open House. I was greatly disappointed by the few posters (The Proposed Project, Lane Reduction, Traffic Mitigation, Beautification) which did not really tell me what I would be getting. We did a much better job in the previous pilot with artist renderings of the 6-block corridor, as opposed to your engineering drawings (need "people talk" not "planner talk").

At your community presentations and at Edith's evening tour of Downtown, you kept focusing on "making Downtown a Destination" and "while being Downtown". But Downtown is also a corridor connecting us to other parts of the City.

You use words like "safety" and "access" which need context-dependent definitions. And you act as if you have been implementing the Vision Zero action plan throughout the City since the Strategic Plan was adopted in January 2018. Which in my view is far from the truth. And leads to the following conclusion.

My biggest complaint about your approach is that you say

"The Lane Reduction Project will improve accessibility

[and] increase safety" but then down-play that with

"We know how polarizing the lane reduction project is" [because]

"We know traffic impacts are top of mind".

Had you been educating and motivating Vision Zero concepts since 2018, those of us who desire equal standing as non-vehicle users would have access and safety rights approaching those of people who only see transportation as use and parking of their vehicles.

That said, I support the lane reduction (since I could not get a complete closure to create a pedestrian mall). Obvious wins include:

Reducing noise levels at the businesses and adjacent public space

Increasing the distance of vehicles from residents and businesses

IN FAVOR!! A lot of residents of this community are bitter about "change" and refuse to see that Morgan Hill has and is growing. We can do it responsibly and I believe in the lane reduction plan. Especially as many of the people who commute through downtown MH do not live in Morgan Hill. They live in Gilroy or San Martin and are using our downtown as a commuter lane, flying by without stopping, shopping or dining! If we do go down to 1 lane, it's imperative that the city make changes to Main/Monterey intersection. You need dedicated left/right hand turn lanes and not one lane going east and west. The back up on east/west main is already bad, so please reconsider changes to the intersection.

Also, please consider getting some retail stores in downtown. We need clothing stores, shoe repair, dry cleaning, book stores, health store, and a REASON for people to WANT to come downtown, besides just a dining destination. Please try and bring in some chains such as Sweet Greens or Mixt for healthy salad/fast food options, or even a juice bar.

I also think we should have tasting rooms downtown of our local wineries. Think about how popular places like Murphys CA has been because of their local wineries having tasting rooms downtown. Look at places like Nevada City, Grass Valley and Burlingame for inspiration on how our downtown can be more vibrant and appeal to all age groups!!

The city should heed the former consensus about NOT reducing lanes. If pushed through based on non-majority community support it's not fair or just. Elected officials should remember they are PUBLIC SERVANTS and listen to the community - NOT push their own ideas and agendas. If pushed through without majority community support it will certainly be challenged.
The Hale extension is not going to help with traffic in the area. There has not been enough development in the surrounding infrastructure (including widening 101) to support cutting off the main highway lifeline that is Monterey.
Great! More and more, Morgan Hill is becoming the "Los Gatos of South County". We are attracting visitors from all over Santa Clara County and beyond. Excellent City Leadership!
I am completely in favor of the Monterey Lane Reduction project.
Creating a single lane bottleneck with few adjustments in order to direct traffic to Butterfield (which is already very clogged during commute hours) is just like trying to stuff 1000lbs into a 100lb sack- it doesn't solve the real problem, and creates a variety of unintended consequences. I feel confident that MH will go ahead w this plan given the outsized input from business owners on Monterey on decisions, but I beleive this will be at the expense of residents of MH, especially those that live near Butterfield, or who must use Butterfield to navigate MH.
Love the idea to slow down traffic and make downtown Morgan Hill a safe place for our community! As a business leader, safety for our employees, patrons and community is top priority. Let's be proactive rather than re-active!
Cannot wait to see this come to life! The lane reduction and inclusion of a bike path is excellent. I love the idea of buffering the bike lane further from traffic with the rubber safety humps. This will be a great addition to encourage more bike transportation, further reducing vehicle traffic on the roadway. Additional roadway signage and improved efficiency along the butterfield corridor would be a very welcome change! The addition of permanent parklets along the downtown stretch would also be a very welcome change to our city. I like the modern look of the parklets and believe this addition will make downtown a more welcoming environment for the entire community to enjoy, rather than a vehicle corridor.
As someone who's lived in Morgan Hill more than a decade now, I can honestly say that I've seen an influx of people. That being said, I do agree with the lane reduction simply because I've now seen too many people try to prove their worth by speeding (or flying) through downtown. HOWEVER, I'm terribly concerned that Butterfield, with all the new building, will not be able to sustain all the traffic. I've not see it this bad. Just like the commute in the mornings, we've really got to find out how we can reduce commuters from simply "cutting through" Morgan Hill because Waze tells them to exit 101.
No
Good afternoon, I do NOT understand how you think bicyclists will stop and buy clothes from Royal Clothiers, from the Mercantile and womens shops, Tryst etc. They will RIDE STRAIGHT THROUGH , WILL NOT STOP TO EAT AS THEY WILL BE HOT/SWEATY . Have you made any studies as to how this will impact 101 and Butterfield and ALL side streets, it will be a mess. Do you intend to make the light at Main/Monterey longer and the turn lane longer since EVERYONE WILL BE TURNING THERE??? YOU ARE MAKING A BIG BIG MISTAKE IN DOING THIS. We are not Hollister or Willow Glen whose street diet is not located on a main thouroughfare that only has 3 ways to get through MH! 101 is a traffic jam 100% of the time WHY DON'T YOU FIX THAT FIRST!!!! What a farce!!!! Wish I could have VOTED ON IT THIS TIME, I did the last 2 times and OPPOSED!!!!!! I implore you to provide ANY studies that you have done for 101, or the light at main impacts!
Terrible idea. There is already enough congestion and plenty of space to walk and eat. I don't see the purpose in this plan. It will make downtown look smaller than it already is. Why don't you instead pay to have an overtime shift for a police officer to monitor speeding.
This is a huge irresponsible waste of City funds. This has been done before and was changed back because it didn't work. There are few alternative routes through town and with the population increasing, reducing Monterey to one lane through town is foolish.

This project will be a waste of money just like it was last time we reduced to 1 lane. Morgan Hill continues to grow and removing a lane will create more traffic elsewhere. If the planning committee truly cared about its residents, we would stop building housing in every free space available. We need to reinvest our money into our schools and community. More than half the residents are against this and not all downtown businesses are on board, so why build the push to build something that so many residents deem unimportant?

Many of our downtown restaurants thrived during Covid, as it wasn't until recently that patrons were allowed to physically eat inside or outside. Community support and an eat and shop local initiative is what helped our town stay alive.

Don't create unnecessary traffic, it's not needed and will do nothing.

If Morgan Hill wants its beautification to downtown done, have MoHi finish its half completed hotel, its an eyesore.

I like the design except I am concerned that the bike lane on westbound Dunne turning right onto northbound Monterey Street will be unsafe due to parking being allowed on the east side of the street, creating a crossover of auto and bicycle traffic turning right into their perspective northbound lanes of Monterey Street.

It will add more traffic congestion. Let it be as is.

Please do not proceed with the downtown lane reduction! People use Monterey Road to bypass 101 especially during rush hour! This is going to cause more back ups on 101!

- Remove all street parking (add parking if needed on West Dunne, 4th, etc.)
- Extend sidewalks out to edge of street parking for friendly outdoor dining and events
- Remove the left turn lanes, Make 1st to 5th right turns only
- Minimize island, keeping the trees
- Consider keeping 2 lanes Southbound; make it easier for visitors to enter
- Remove Southbound lane for cyclists
- Seems for what they are doing they can keep all 4 lanes and remove parking.

Let's not do this again. Last time around I chatted to owners of businesses downtown that lost a ton of business due to people not coming downtown because it was a pain to do so. They lost business from people like me, who might have driven by and saw something worth pulling over for. I hardly went downtown last time and will probably avoid it once again. And stop having so many restaurants downtown. There's more to life than food!

This project seems to be done for the benefit of only the restaurants. We have tenants that do business by appointment and this project will slow down their clients getting to their appointments and clog our private parking lot due to the parking spaces lost with the lane reduction.

Don't do the lane reduction. You aren't making the city better and 80% of people are against it. It isn't work the first time, doing a 2nd will not be better. You ate voted in to represent the people, not to follow the minority views of Frank Leal..

People don't use Monterey Road to be mean, but because it is the most reasonable route in the absence of viable alternatives, the underlying problem being the lack of alternatives. The good news is the VTA plans 'to offer frequent, fast and reliable service to downtown San Jose' with 'a more direct route along Monterey Road..... every half hour' and 'Morgan Hill will launch one of Santa Clara County's first pilot services.... an on-demand point-to-point service' (Morgan Hill Life, November 3, 2021). This will hopefully lead to a regional transit plan. Add to that the Hale Avenue Extension and Corridor Improvements whereby Hale extension is scheduled to open within 3 years. Why not wait until the benefits of the above two projects are realized?

Lane Reduction Plans: 'Consistency to minimize driver confusion' and 'Flexibility for parklets or to retain parking block by block' seem contradictory.

Parklets: My understanding is that parklets were encouraged 'to meet the requirements of the COVID-19 Shelter in Place Order.' and other towns are removing Parklets; the 'Shelter in Place Order' been rescinded? (<https://covid19.ca.gov/safely-reopening/>); while the Public Services Director has said the City is working to have the temporary parklets removed over the next several months'

HSR conflict: HSR Final Comment Letter on San Jose to Merced EIR (MH) 6-22-20
'If Alternative 4 (Preferred Alternative) is ultimately selected for implementation, then the City requests inclusion of grade separations at Tilton Avenue, East Dunne Avenue, and Tennant Avenue'. Who knows what the future of HSR will be vis-a-vis Morgan Hill but based on prior indications, especially regarding reducing costs, there is a strong possibility that HSR could cause major disruptions at these cross streets.

If a City Councilman makes posts on Nextdoor do they represent official city policy or are they their own opinion and should they be marked as such? A Councilman said if the project wasn't working it could be removed. Is that official policy?

Finally my informal survey results to date are approx 30 people are opposed, 3 are for of which 2 expressed a desire for complete closure of Monterey Road through downtown.

NO NO NO!!! I strongly oppose Lane reduction on Monterey Road!!! There are not enough roads to handle the massive increase in housing and building that our precious little town can handle! NO on your so called beautification! We've just about lost our towns charm with the obsession of city council trying to be followers and NOT leaders, this is not Santa Row!! Nothing done so far represents our history and agriculture and the amazing people that made Morgan hill what it is today. You want to beautify Morgan Hill??? Stop building, stop destroying our agriculture. Build a proper and respectful monument honoring those who served our country instead of a cheap small display in the middle of the road! Shame on you! Stop wasting our tax dollars on tasteless so called art and help our elderly and fix our schools!!

Owning a home a mile west of downtown, one of my favorite things is to be able to walk and ride by bike to and through downtown. Each week I find myself biking down Monterey to visit Coffee Guys. This requires me to cross the two lanes of traffic at 4th and at Main. Cars are not amused or attentive to my presence, despite my hand signals. It feels especially unsafe currently when heading North on Monterey as there is no bike lane to protect me and cars are in a rush to get through town.

As a walker, even with the flashing lights, cars still struggle to see me coming across, especially when they are in the right lane and are blocked from the median by the car driving in the left lane.

The lane reduction would greatly increase my safety and help meet Morgan Hill's Zero Vision goals.

I love this idea! We need safer roads for downtown Morgan hill and extending it is a plus! There are way too many fast drivers especially people that drive motorcycles that go through downtown Mh and forget that there are pedestrians that walk throughout downtown MH.

I am in favor of lane reduction!

From: [REDACTED]
To: [Hilary Holeman](#)
Subject: [EXTERNAL] Downtown lane reduction
Date: Tuesday, November 9, 2021 3:59:18 PM

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Why are the downtown businesses being so selfish? This reduction will inconvenience many people every day. Our children have practices and functions that will have to be cancelled because of the traffic jam everywhere every day. The commute for workers will be extended greatly causing frustration and increased pollution. These businesses will be losing my patronage.
Sent from my iPad

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From: [REDACTED]
To: [Hilary Holeman](#)
Subject: [EXTERNAL] Feedback - Monterey Road Lane Reduction and Beautification Project
Date: Tuesday, November 16, 2021 2:20:04 PM
Attachments: [image.png](#)

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Hello Hilary,

I apologize for my delayed feedback. I was just made aware the city was requesting community feedback. I hope my feedback can be included in the December 15th, 2021, City Council Meeting Staff Report.

The Mayor and City Council members who voted for the Monterey Road Lane reduction, rushed this decision with little to no community input and without serious oversight. Their decision lacked key data required to make significant decisions to change our town.

- Updated, Current Traffic Studies – 2015 traffic reports are outdated
- Community Impact Analysis
- Downtown Businesses Feedback (Except for the two business owners leading the efforts). Many downtown businesses have shared they were blindsided by the City's decision to reduce the lanes.

The Mayor and City Council needs to step back and have an honest assessment of what they're voting for. Our citizens and businesses HATED the lane reductions as was amply demonstrated in 2015 and there's nothing different today, than a significant increase in traffic and no increase in infrastructure to support a lane reduction. In addition to this, take the time to review the significant increase in HIGH DENSITY homes, apartment buildings and distribution centers that is taking place or is scheduled. Traffic will be incredible worst, going forward.

With the proposed downtown lane reductions, the City of Morgan Hill, is also not considering the impact to downtown businesses as well as the surrounding neighborhoods.

As well, Businesses are struggling because of the pandemic. Therefore, now is not the time to add another barrier for those business to navigate through.

My family and I are against the timing of the street calming efforts. Now is not the time.

We must have proven infrastructure already in place, to support the lane reduction.

- Traffic diversion safety factor / More traffic = more accidents
- Greater safety concern and quality of life impact for most if not all those who live in Morgan Hill.
- Traffic congestion is a problem that impacts the entire Monterey Road corridor and no one sector should be shielded from the negative impacts by shifting the burden to other neighborhoods.
- Downtown is more than businesses (which are important). Downtown is also a neighborhood. Many people who want to limit the ingress and egress to the downtown neighborhood don't live here. The last time we narrowed the lanes through town (in 2015 and last month with construction) cars were traveling through residential streets at high speeds creating an unsafe environment for the neighborhoods' residents
- Butterfield is NOT the answer, as Butterfield is already a parking lot during peak travel hours.
- The \$14.2M Hale Extension is NOT the answer, in fact, the Hale Avenue Extension project has been included in Morgan Hill's General Plan since 1969.
 - The brief Hale Extension route between W. Main Ave to Spring Ave, will not help with the bottleneck we will be faced with the lane reduction. While it might redirect some traffic, I would bet we will see a significant increase in collisions, as well as burdening those who live on or near Hale Ave.

My family and I are against the Parklets as they can be dangerous and will eliminate the needed parking to support the downtown business. I fail to understand how putting tables and chairs next to traffic can be regarded as a safe practice.

- Many with mobility challenges (elderly and handicapped), rely on parking close to the businesses. Handicapped parking is already limited. Therefore, we rely on parking along Monterey Rd. Otherwise, we will not be able to support the downtown business, as we do today.
- Parklets are dangerous and bring significant safety concerns. Parklet limits pedestrian and drivers' visibility – serious injuries and/or deaths will occur, and the potential responsibility of the city will be much greater. (Note - City allowing businesses to create parklet, and requiring they carry insurance, does not remove the City of Morgan Hill from financial liabilities because of personal injuries and/or death)
- Google search parklet accident. Property-damage, injuries, fatalities. Read the reporting. Look at the images. I won't sit in a parklet because I'm worried about safety.

Our story...

My husband and I enjoy regularly patronizing the downtown businesses (several times a week) and **we ALWAYS feel SAFE**. Unfortunately, my husband has mobility issues because of a stroke. With the proposed lane reductions/ reduced parking near our downtown businesses, we will unfortunately not be able to support those downtown businesses as we do today.

Also, I commute... Not through downtown but using either Butterfield or 101 as my route to and from the office, depending which route has the least amount of traffic. My current commute to South San Jose and or returning to Morgan Hill takes me anywhere from 45 mins up to 1.5 hours. My commute will increase significantly if the downtown lanes are reduced. 5-10 years ago, this same commute was anywhere from 15-30 minutes, at peak commute time.

Lack of transparency from City Council Members Constantine, Borgioli and McKay is a significant concern to the community:

- The mayor and two city council members who voted in favor of the Monterey Rd Lane Reduction (Constantine, Borgioli, and McKay) **repeatedly state our downtown isn't safe**. They believe, the only way downtown will become safer and more pedestrian friendly, is to reduce the north and southbound lanes.

During the Nov. 3rd City Council Meeting, Dat Nguyen shared the below slide (part of the Monthly Budget presentation)



The mayor and two council members were completely silent. Only Rene Spring brought up the concern regarding the lack of funding for our Police and Fire = Safety.

If Constantine, Borgioli, and McKay were truly concerned about MH Safety, this was their golden opportunity to speak up.

Their silence only re-enforces they are truly not concerned about downtown safety.

Lack of Confidence from the City of Morgan Hill, the Monterey Road Lane Reduction will be successful:

During the Nov. 4th Town Hall mtg, it was clear Chris Ghione isn't too confident the lane reductions will work. One viewer asked the big picture, question regarding the planned/approved housing and business growth (he listed each one). Which Chris's response was cringe worthy... Basically, the City is not sure how the additional traffic, throughout Morgan Hill will be impacted.

In addition, during Nov. 4th Town Hall Mtg, Chris Ghione MH City Public Services Director, repeatedly stated, "We Believe..."

- "We Believe Butterfield is a viable alternative to Monterey"
- We Believe after we install \$100K worth of equipment to sync the traffic signals on Butterfield...
- We Believe if we have proper signage near Monterey and Cochran, to divert throughway traffic away from downtown...

"We Believe, We Believe, etc. Nothing shared / communicated during the presentation, suggested the City of Morgan Hill remotely confident that these changes would eliminate the communities traffic concerns...

Recommended solutions to helping our business and improve pedestrian/driver safety:

- If you want to support our local businesses spend money on providing adequate parking. Parking at the VTA and Court parking lot is not the answer. Downtown patrons will be placed at greater risk, with these isolated parking lots (i.e., increase in car break-ins, robbery, etc.)
- Add rapid flashing beacons at un-signalized intersections with possibly adding crossing guards, like train crossings.
- Return the speed bumps, add additional bumps throughout downtown
- Remove brick flower boxes on the sidewalks, metal bikes, etc., opening the sidewalks for a more pedestrian friendly throughway.
- Cut back landscaping within the median, to improve pedestrian and vehicle visibility
- More police presence

Thank you for taking the time to read my letter and understand why my family and I are against the timing of the downtown Morgan Hill Street Calming efforts

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From: [REDACTED]
To: [Hilary Holeman](#)
Subject: [EXTERNAL] Lane Reduction: A Bad Idea
Date: Tuesday, September 21, 2021 11:03:35 AM

You don't often get email from [REDACTED]. [Learn why this is important](#)

As someone who has lived in MH my entire life and one of the many that travels North to San Jose and beyond every morning, reducing the lanes are NOT what we need. Traffic has gotten terrible for the last 15 years where it used to take 25-30 minutes to SJ after the freeway expansion, to a regular 45- 1 hour commute. I blame this on the repeated housing expansion of MH, Hollister, Gilroy, Los Banos, and Salinas but never any expansion to infrastructure and routes to commute on, nor on the amount of great local jobs for local residents. All the livable jobs are in the cities. More and more are having to commute further and further, but now instead of relief, this is just going to cause more problems. For many of you and those in your office, you are very lucky to get to travel 10 minutes to work and not even think about these problems. An 8 hour work on day for me is usually closer to 11 hours due to the traffic on my commute. This lane reduction will be another item I consider when not only leaving the community, but the state I was born in due to an unaffordable and a grotesque commute that is getting more and more clogged. It's amazing that was idea got this far, but hey, money talks and "more lanes will lead to more traffic" bs. Then build another freeway if that's what it takes. The infrastructure is atrocious. People MUST get to work that can provide a good life and a family. ~70% were considered essential and had to work the last two years, me included. And instead of getting any sort of appreciation, we get another big shot in the gut that's going to screw our commute. I'd like to be able to spend SOME time with my kids during the evening. Enjoy the new revenues, I guess, cause I know this isn't changing anyone's mind that doesn't commute and have \$ _ \$ for eyes.

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From: [REDACTED]
To: [Hilary Holeman](#)
Subject: [EXTERNAL] Monterey Rd.
Date: Monday, November 8, 2021 7:06:55 PM

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Hilary, so many of us feel that this reducing of lanes on Monterey Road should have been put on the Ballot for the citizens to have the opportunity to vote on it City Hall and the Supervisors do Not Owen Morgan Hill. We have rights and it's also our City where we pay taxes and choose to live. We are getting So disgusted with the ways and things are happening around here.

Thank you,
Sophia Renda

Sent from my iPhone

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From: [REDACTED]
To: [CC Public Comment](#)
Subject: [EXTERNAL] Monterey St - Narrowing
Date: Friday, October 1, 2021 9:11:24 PM

[Some people who received this message don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

To Board Members of City Council

When I first moved into Morgan Hill, some 32 years ago, I noted that traffic going down Monterey was jammed up and very slow during commute hours.

At that time the population and Morgan Hill was only 18,000 people. Today, the population is in excess of 45,000 people!

Even when Hale Avenue is finally opened up for two lane traffic through the city of Morgan Hill, the traffic along Monterey Avenue will still be very heavy and slow. To reduce Monterey from two lanes in each direction to one lane each direction would make this the street virtually impossible!

I strongly suggest that you withdraw the proposal to narrow Monterey Avenue, and leave it as two lanes in each direction to maintain road continuity from San Jose down through Gilroy.

Respectfully,
Al Peponis

[REDACTED]

Sent from my iPhone

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From: [REDACTED]
To: [Hilary Holeman](#)
Subject: [EXTERNAL] One lane!
Date: Wednesday, November 17, 2021 10:07:23 AM

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Hilary

We are definitely against one lane on Monterey Rd in downtown Morgan Hill..
it makes no sense. The down town looks great the way it is. It will just cause congestion and confusion

I don't think anyone liked it when it was tried before.

Please keep 2 lanes

Thanks

Carol and Doug

[REDACTED]
Morgan Hill, Ca 95037

Kind regards,

Carol Carlson

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From: [REDACTED]
To: [PIO](#)
Subject: [EXTERNAL] Re: Weekly 411 - Community News
Date: Wednesday, September 22, 2021 10:03:31 PM

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

In my opinion the traffic calming idea for downtown is a terrible idea. How many times are we going to try this failed experiment? We need more infrastructure to allow for the flow of traffic through town, not less. Especially as the city continues to grow at such a rapid rate, which is also a horrible thing. We all like the small town feel of Morgan Hill but all the traffic congestion is getting out of control!
Thank you,

Ian Van Sinderen
[REDACTED]

On Sep 17, 2021, at 1:29 PM, City of Morgan Hill <pio@morganhill.ca.gov> wrote:

September 17, 2021

From: [Chris Ghione](#)
To: [Hilary Holeman](#); [Edith Ramirez](#); [Matt Mahood](#)
Subject: FW: [EXTERNAL] Lane reduction
Date: Wednesday, November 10, 2021 10:34:54 AM

From: Chris Ghione
Sent: Wednesday, November 10, 2021 10:35 AM
To: Nettie Letts [REDACTED]
Subject: RE: [EXTERNAL] Lane reduction

Hi Annette,

Thanks for the email and comments. I appreciate you sharing your thoughts. I'll start with your last question on speed limits. Our speed limits are set using a system established and required by the State of California. This system relies on the City performing a speed survey and setting the speed limit to the 85 percentile of the traffic speeds on the roadways. The City cannot arbitrarily adjust speed limits as it pleases. Some very specific areas like school zones are allowed to have a lowered speed limit. The speed limits at the various sections of the roadways are established by the City's speed survey. We will be updating this survey next year and the State of California just made changes to some of the rules we can use to reduce the speed limits by 5mph. When we update the speed survey we will be looking at reducing speed limits where possible.

I appreciate the feedback on Watsonville Road, we can review the intersection of La Alameda. That is a corridor we are looking at improvements on in the future. We are not sure stop signs are a viable solution as the traffic congestion would become very significant. Ultimately Watsonville and Sunnyside will be signalized which will likely provide regular traffic breaks in the flow on Watsonville Road.

Please let us know of any issue with streets. The City of Morgan Hill has actively been repairing our streets and are quickly gradually improving pavement conditions throughout the City. We understand there are some streets that still need repairs and we will continue to make headway, but overall our streets are much better than the surrounding areas. Let me know which specific areas may need attention and I can let you know where they stand in the pavement improvement program.

We understand and appreciate the comments on the Monterey Road Lane Reduction. We will be looking at improving traffic flow on Butterfield significantly prior to any lane reduction. We are hopeful this will help your commute north from Watsonville Road.

The lighting downtown is actually very good on Monterey Road. While the streetlights look old fashioned in nature, they are all newer retrofitted LED street lights. Additionally all the intersection on Monterey have seen increased lighting.

I will share your comments with our team, we are appreciative of you sharing.
Thank you,

Chris,

Chris Ghione
Public Services Director
[Engage With Us!](#)

City of Morgan Hill
Community Services, Engineering and Utilities
17575 Peak Avenue, Morgan Hill, California, USA 95037

P: 408.782.9154 | **C:** 408.427.6196
chris.ghione@morganhill.ca.gov
morganhill.ca.gov | [facebook](#) | [twitter](#)

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From: Nettie Letts [REDACTED]
Sent: Wednesday, November 10, 2021 9:33 AM
To: Chris Ghione <Chris.Ghione@morganhill.ca.gov>
Subject: [EXTERNAL] Lane reduction

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Morgan Hill and area are already too populated to lessen the amount of traffic on Monterey Road. All the new housing on Monterey will not help. Traffic is a nightmare in the morning and early afternoon until 7:00 PM.

You are sacrificing the rest of Morgan Hill for 5 blocks of restaurants! What about the other businesses and restaurants in Morgan Hill that are not in the fabulous 5 downtown blocks?

Where is the parking for the north end of downtown? When the "60 room boutique hotel" opens with no parking spaces it will be even worse!

Our city streets are a cracked mess, yet you can pave and repave those 5 blocks many times!

We live near Watsonville Road and La Alameda. We cannot even get onto Watsonville Rd in the morning, afternoon and evening hours. Traffic drives at 55 mph plus all the time from Monterey Rd to Sunnyside. There is no stop sign at all between those 2 roads.

It is not fair to the citizens of Morgan Hill who also need to go north/south that you are making a bad situation even worse for us. Safety downtown was originally made worse by the weak lighting that the old fashioned streetlights gave off. Then you crammed the center divider with junk, cute but still taking away the sight line of drivers, pedestrians, and bicyclists. The City of

Morgan Hill has made Monterey Rd less safe. Many bright lights, street crosswalks, etc. have made the street safer again. But here you go again, making a mess of Monterey Rd.!

By the way can you tell me why the speed limit of Monterey Rd south of Vineyard was changed to 45 mph. After the stoplight at Vineyard there are 3 business entrances/exits to Monterey Rd and a VTA bus stop within a very short distance of this poorly placed increase of speed limit sign.

The City of Morgan Hill decreased the speed limit through the rest of Morgan Hill, but increased it at this very busy spot on Monterey Rd. That makes absolutely no sense!!!

Annette Letts



Morgan Hill

WARNING: This message is from an external user. Confidential information such as social security numbers, credit card numbers, bank routing numbers, gift card numbers, wire transfer information and other personally identifiable information should not be transmitted to this user. For question, please contact the Morgan Hill IT Department by opening a new helpdesk request online or call 408-909-0055.

Attachment 5

RESOLUTION NO. 21-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE CITY'S FISCAL YEAR 2021-2022 BUDGET IN THE GENERAL FUND (FUND NO. 010) TO TRANSFER AND APPROPRIATE \$210,530 TO PUBLIC FACILITIES NON-AB 1600 FUND (FUND 346), THEREFOR

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

WHEREAS, the reasons supporting this Resolution are set forth in detail in that certain City Council Staff Report entitled "Approve Downtown Traffic Calming and Monterey Road Lane Reduction Program" submitted for City Council consideration at its meeting of January 19, 2022, 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, recommended amendments are needed and proposed to the City's previously adopted Budget for Fiscal Year 2021-2022 as set forth on Exhibit A to this Resolution, to appropriate the requisite funds to implement the actions authorized by this Resolution; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable 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 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 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 Council 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 Fiscal Year 2021-2022 Budget, 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 Fiscal Year 2021-2022 Budget of City.

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 its meeting held on this 19th day of January 2022 by the following vote:

AYES:	COUNCIL MEMBERS:	None
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

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-_____ adopted by the City Council at the meeting held on the 19th day of January 2022.

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

DATE: _____

MICHELLE BIGELOW, City Clerk

AGENDA BUDGET SCORECARD

FISCAL YEAR 2021-2022

ADJUSTMENT #

009

FUND:

010 General Fund

DEPARTMENT:

1900 Transfers

OBJECT:

49227 TRANSFER OUT-NON AB PUB FAC

AGENDA DATE:

01/19/22

AGENDA ITEM TITLE:

Downtown Traffic Calming and Monterey Road Lane Reduction

	07/01/21 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	06/30/22 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	24,896,179	43,435,456	44,689,214	23,642,421
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	-	-
RECOMMENDED ACTION		-	210,530	(210,530)
RESULT OF RECOMMENDED ACTION	<u>24,896,179</u>	<u>43,435,456</u>	<u>44,899,744</u>	<u>23,431,891</u>

AGENDA BUDGET SCORECARD

FISCAL YEAR 2021-2022

ADJUSTMENT #

010

FUND:

DEPARTMENT:

OBJECT:

346	Public Facilities (Non AB1600)
8049	Public Facility/Non AB1600
86360	CONSTRUCTION

AGENDA DATE:

AGENDA ITEM TITLE:

01/19/22
Downtown Traffic Calming and Monterey Road Lane Reduction

	07/01/21 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	06/30/22 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	1,100,016	911,488	372,377	1,639,127
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	755,591	(755,591)
RECOMMENDED ACTION		210,530	210,530	-
RESULT OF RECOMMENDED ACTION	1,100,016	1,122,018	1,338,498	883,536

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2022

PREPARED BY:

Michelle Bigelow, Deputy City Clerk

APPROVED BY: City Manager

REVIEW AND APPROVE CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES FOR 2022

RECOMMENDATION(S)

1. Review, discuss, and approve the City Council appointments to Outside Agencies; and
2. Direct the City Clerk to notify the appropriate agencies of the updated assignments and update the Form 806 as necessary.

Estimated Time:

COUNCIL PRIORITIES, GOALS & STRATEGIES

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 Diversity and Inclusiveness

Advancing Regional Initiatives

2020-2021 Strategic Priorities

Fiscal Sustainability

Community Engagement and Messaging

Economic Development

Affordable Housing and Homelessness

Transportation

REPORT NARRATIVE:

The City Council is committed to actively participating in regional committees and agencies to advocate for Morgan Hill and as an important way to influence decisions that impact Morgan Hill. The City Council is being asked to review, discuss, and make

appointments to the outside agencies. The Appointments to Outside Agencies chart only includes appointments made by the City Council to outside agencies. It does not include appointments made by other agencies or organizations. The Mayor will make appointments, subject to Council approval.

Once the appointments are made, the City is required to post the Fair Political Practices Commission (FPPC) Form 806 on its website. The Form 806 lists all the paid appointed positions for which an official can vote on the City's website, including those assignments that do not receive a stipend. Staff requests that Council Members notify the City Clerk's Office immediately when new assignments are made and when there is compensation of \$250.00 or more in a 12-month period.

COMMUNITY ENGAGEMENT:

Inform

This report serves to inform the community of the City Council appointments to outside agencies.

ALTERNATIVE ACTIONS:

Not Applicable

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council reviews and confirms the assignments to outside agencies annually.

FISCAL AND RESOURCE IMPACT:

The time necessary to prepare and present this staff report is accommodated in the Council Services and Records Management Operating Budget. The level of City Council and staff resources necessary to actively participate in each outside assignment varies with some requiring a significant amount of time.

CEQA (California Environmental Quality Act):

Not a Project

The preparation of the City Council assignments to outside agencies is an administrative task and as such, is not a project.

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Countywide	<u>Santa Clara County Library District Joint Powers Authority</u> 1370 Dell Avenue Campbell, CA 95008 Cynthia Rios Garcia, Secretary CRiosGarcia@sccl.org (408) 293-2326, ext. 3090 https://www.sccl.org/About/Governance/JPA-Board-Meetings Tracy Ellenberger, Executive Assistant tellenberger@sccl.org 408-293-2326 x3093	Provide policy direction and governance for the Santa Clara County Library District. Cities of Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill & Saratoga.	Meets 4 times per year typically on the 4th Thursday of month; 12:00 pm 1370 Dell Avenue Campbell, CA 95008	(P) Constantine (A) Borgioli	
Environmental	<u>Santa Clara Valley Habitat Agency Governing Board</u> 535 Alkire Avenue, Suite 100 Morgan Hill, CA 95037 Ed Sullivan, Executive Officer Edmund.sullivan@scv-habitatagency.org (408) 779-7261 https://scv-habitatagency.org/31/Governance-Policies	Serves as governing body for JPA and makes all decisions except those delegated to the Implementation Board Staff.	Quarterly, 3rd Thursday 3:00 pm - 5:00 pm Morgan Hill City Council Chamber 17555 Peak Avenue	(P) Spring (P) Martinez Beltran (A) McKay (A) Borgioli	

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Environmental	<u>Santa Clara Valley Habitat Agency Implementation Board</u> 535 Alkire Avenue, Suite 100 Morgan Hill, CA 95037 Ed Sullivan, Executive Officer Edmund.sullivan@scv-habitatagency.org (408) 779-7261 https://scv-habitatagency.org/31/Governance-Policies	Makes recommendations to the Governing Board regarding fees and budget, appoints executive officers and hiring of other agency personnel, services, and equipment, makes decision regarding real property acquisition and makes recommendations to the executive officers regarding grants and other funding.	Bi-Monthly, 3rd Thursday 3:00 pm - 5:00 pm Morgan Hill City Council Chamber 17555 Peak Avenue	(P) Spring (A) Martinez Beltran (A) McKay (P) Carman (A) Ramirez	
Environmental	<u>Silicon Valley Clean Energy Authority</u> 333 W. El Camino Real, Suite 290 Sunnyvale, CA 94087 Andrea Pizano andreap@svcleanenergy.org (408) 721-5301 x.1005 https://www.svcleanenergy.org/board	The JPA created to collectively study, promote, develop, conduct, operate, and manage energy supply and efficiency programs related to the provision of clean power. Recommended two year assignment per SVCE	2nd Wednesday of the month 7:00 pm Cupertino City Hall 10350 Torre Ave	(P) Martinez Beltran (A) _____	

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Flood Control	<u>Pajaro River Watershed Flood Prevention Authority</u> PO Box 809 Marina, CA 93933 Ana Flores Regional Analysis & Planning Services aflores@ambag.org (831)883-3750 ext. 300 http://www.pajaroriverwatershed.org	Identify, evaluate, fund, and implement environmentally sound flood prevention and control strategies in the Pajaro River Watershed, on an intergovernmental, cooperative basis as required by the Pajaro River Watershed Flood Prevention Authority Act.	Meet bi-monthly 1st Friday 9:00 am Meeting locations alternate between the Cities of Gilroy, Hollister, Salinas & Watsonville	(P) Spring (non-voting member)	Chris Ghione, Public Services Director
Flood Control	<u>Santa Clara Valley Water District Elected Officials Quarterly Meeting (Llagas Creek PL 566)</u> 5750 Almaden Expressway San Jose, CA 95118-3686 (mailing address) Michelle King, Clerk of the Board board@valleywater.org (408) 265-2600	Specifically address Llagas Creek flooding and Anderson Dam Retrofit Project.	Quarterly on Fridays 10:00 am Morgan Hill City Hall, Grand Conference Room 17575 Peak Ave	(P) Spring (P) Borgioli (A) Martinez Beltran	Chris Ghione, Public Services Director

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Housing	<u>Santa Clara County Housing & Community Development Advisory Committee (HCDAC)</u> Office of Supportive Housing 3180 Newberry Drive, Ste 150 San Jose, CA 95118 Alejandra Herrera Chavez, Program Manager I Alejandra.herrera@hhs.sccgov.org (408) 278-6414	The role of the HCD Advisory Committee is to be the policy-recommending body to the Board of Supervisors on the planning, implementation, monitoring, and evaluation of the Urban County HCD Program. The Committee guides the development of a coordinated housing and community development plan and hears project proposals, reviews staff recommendations, and makes recommendations to the Board of Supervisors for final approval and forwarding to HUD.	As needed 70 West Hedding Street, 1st Floor Board Chambers	(P) McKay (A) Martinez Beltran	Rebecca Garcia, Housing Manager
Land Use/ Transportation	<u>South County Joint Planning Advisory Committee</u> Santa Clara Co. Planning Office 70 W. Hedding, E Wing, 7th Floor San José, CA 95110	Cities of Gilroy & Morgan Hill, County of Santa Clara and unincorporated area of San Martin addressing issues re: land use planning of regional significance. Staff coordination rotates between the three sponsoring organizations, Gilroy, Morgan Hill, and Santa Clara County.	As needed	(P) Borgioli (A) McKay Joseph Mueller, Planning Commissioner Dennis Delisle, Citizen Representative _____, Citizen Representative	Jennifer Carman, Community Development Director Rob Eastwood, County of Santa Clara Karen Garner, City of Gilroy

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Local Partnership	<u>City-School Liaison Committee</u> Morgan Hill Unified School District; 15600 Concord Circle <i>or</i> City of Morgan Hill 17575 Peak Avenue Morgan Hill, CA 95037-4128 Kelly Shriefer, Secretary to the Superintendent, MHUSD shrieferk@mhusd.org (408) 201-6001 Michelle Bigelow, City Clerk Michelle.bigelow@morganhill.ca.gov (408) 310-4678 http://mhusd.org/board-of-education/cityschool-liaison-committee/	To facilitate communication between the City and School District on issues of common concern.	Every other month, typically on Fridays 8:30 am Meetings alternate between the City of Morgan Hill, City Hall 17575 Peak Ave and the Morgan Hill Unified School District Office 15600 Concord Cir	(P1) Constantine (P2) McKay (A1) Martinez Beltran (A2) Borgioli	Christina Turner, City Manager Shane Palsgrove, Police Chief Chris Ghione, Public Services Director

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Local Partnership	<u>South County United for Health Leadership Team</u> County of Santa Clara, Public Health Department Active and Safe Communities Sobrato Center for Nonprofits 1400 Parkmoor Avenue, Suite 120 B San Jose, CA 95126 Alice Kawaguchi, MPH, RD Health Care Program Manager II Alice.Kawaguchi@PHD.sccgov.org (408) 793-2733	South County United for Health is a collaborative effort to create healthier communities where people live, work, learn and play in the cities of Morgan Hill, Gilroy, San Martin, and parts of unincorporated Santa Clara County, also known as South County.	Meets quarterly on Thursdays 10:00 am to noon Morgan Hill Community & Cultural Center 17000 Monterrey Road	(P) Spring (A) Constantine	
Regional Government	<u>ABAG</u> 375 Beale Street San Francisco Fred Castro, Clerk of the Board fcastro@bayareametro.gov (415) 820-7913 https://abag.ca.gov/overview/ga.html	Council of governments representing Cities & Counties in the Bay Area; a comprehensive planning agency addressing regional social, environmental, and economic issues.	Meets annually, usually in April Location varies (Oakland or San Francisco)	(P) Martinez Beltran (A) McKay	(P) Jennifer Carman, Community Development Director (A) Edith Ramirez, Assistant City Manager

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Regional Government	<u>Cities Association of Santa Clara County Board</u> PO Box 1079 Los Gatos, CA 95031 Andi Jordon, Executive Director andi@citiesassociation.org (408) 766-9534 http://citiesassociation.org/about-us.php	Promotes cooperation, represents the mutual interest, and presents a unified voice for the fifteen cities of Santa Clara County; each city in Santa Clara County appoints the Mayor or a Council Member to the Board of Directors; advocates for positive action to enhance the quality of life for the people of our county.	Monthly 2nd Thursday 7:00 pm 456 W. Olive Ave Sunnyvale	(P) Constantine (A) McKay Mayor Pro Tem is the Alternate	None, unless Morgan Hill serves as President, then City Manager
Regional Government	<u>Cities Association of Santa Clara County Board City Selection Committee</u> PO Box 1079 Los Gatos, CA 95031 Andi Jordan, Executive Director andi@citiesassociation.org (408) 766-9534 http://citiesassociation.org/about-us.php	The committee makes recommendations on appointments to regional and countywide organizations.	Meets as needed before the Cities Association Board Meeting 456 W. Olive Ave Sunnyvale	(P) Constantine (A) McKay Mayor Pro Tem is the Alternate	
Regional Government	<u>Cities Association of Santa Clara County Board Legislative Action Committee</u> PO Box 1079 Los Gatos, CA 95031 Andi Jordan, Executive Director andi@citiesassociation.org (408) 766-9534 http://citiesassociation.org/about-us.php	The committee provides basic legislative updates to cities with little or no legislative staff, organizes emergency responses to urgent issues, and enables the Cities Association to advocate on issues of mutual interest.	Meets as needed before the Cities Association Board Meeting 456 W. Olive Ave Sunnyvale	(P) Constantine (A) McKay Mayor Pro Tem is the Alternate	

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Regional Government	<u>League of California Cities Peninsula Division</u> Seth Miller P.O. Box 5630 San Francisco, CA 94080 sethl_miller@yahoo.com (415) 595-8629 http://www.cacities.org/Member-Engagement/Regional-Divisions/Peninsula	Comprised of the 36 cities from San Francisco to Gilroy, division members work together to enhance the quality of life in our communities, our region, and our state.	4 meetings per year special meetings added as needed	(P) Martinez Beltran (A) McKay	
Transportation	<u>Caltrain Local Policy Maker Group</u> 1250 San Carlos Avenue San Carlos, CA 94070 (650) 508-6200 Casey Fromson fromsonc@samtrans.com (650) 508-6493 http://www.caltrain.com/projects/plans/CaltrainModernization/Meetings.html	Advisory group made up of elected officials. Provides a formal venue to facilitate local input and guidance on the Caltrain Modernization Program.	Monthly 4 th Thursday 5:30 pm Edward J. Bacciocco Auditorium, Second Floor 1250 San Carlos Ave	(P) Constantine (A) Borgioli	Edith Ramirez, Assistant City Manager Tiffany Brown, Associate Planner

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Transportation	<u>Comprehensive County Expressway Planning Study Policy Advisory Board</u> Santa Clara County Roads and Airports 101 Skyport Drive San Jose, Ca 95110-1302 Ellen Talbo ellen.talbo01@rda.sccgov.org (408) 573-2462 http://sccgov.igm2.com/citizens/default.aspx?	Provides an elected officials' forum for policy input to the <i>Expressway Plan 2040</i> – a long range plan for the improvement and maintenance of the eight County expressways and the Santa Teresa-Hale Corridor. All areas of need are included: capacity and operational improvements, signal operations, high-occupancy vehicle (HOV) lanes, bicycle, and pedestrian improvements, finishing elements, and ongoing operating and maintenance needs and funding strategy recommendations.	As needed 70 West Hedding Street, 1st Floor Board Chambers	(P) McKay (A) Constantine	Chris Ghione, Public Services Director
Transportation	<u>Santa Clara Valley Transportation Authority (VTA) Policy Advisory Committee (PAC)</u> 3331 North First Street, Building B-1st Floor San Jose, CA 95134-1927 Steven Flynn Advisory Committee Coordinator Elaine Baltao, Board Secretary Board.secreatary@vta.org (408) 321-5680 http://www.vta.org/get-involved/advisory-committee/policy-advisory-committee-pac	Advises the Authority Board of Directors on policy matters relating to transportation and congestion management. <i>Board Member cannot serve on the PAC.</i> <i>(Note: participation is State-mandated)</i>	Monthly, 2nd Thursday 4:00 pm VTA River Oaks Campus 1331 N. 1st Street Room B-104 San Jose	(P) Martinez Beltran (A) Borgioli	Chris Ghione, Public Services Director Edith Ramirez, Assistant City Manager

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Transportation	<u>Santa Clara Valley Transportation Authority (VTA)</u> <u>MG - Group 4</u>	Cities of Morgan Hill and Gilroy advises the PAC (see above) on transportation policy and funding issues. Discuss transportation items of mutual interest to the cities of Morgan Hill and Gilroy	Tuesday before each Thursday Board meeting, 9:00 am Morgan Hill City Hall 17575 Peak Ave	(P) Martinez Beltran (A) Borgioli	Christina Turner, City Manager Chris Ghione, Public Services Director Edith Ramirez, Assistant City Manager
Transportation	<u>Santa Clara Valley Transportation Authority (VTA)</u> <u>Board of Directors</u> 3331 North First Street San Jose, CA 95134-1906 Elaine Baltao, Board Secretary board.secretary@vta.org (408) 321-5680 http://www.vta.org/get-involved/board-of-directors	Reviews issues relating to transportation and congestion management.	Monthly, 1 st Thursday 5:30 pm County Government Center 70 W. Hedding St. San Jose	(P) Constantine (A) Marie Blankley (Gilroy) <i>(Alternates between MH and Gilroy every two years based on VTA preference – sometimes longer for continuity)</i>	Christina Turner, City Manager Chris Ghione, Public Services Director
Water/Wastewater	<u>Santa Clara Valley Water Commission</u> 5750 Almaden Expressway San Jose, CA 95118-3686 (mailing address) Glenna Brambill gbrambill@valleywater.org (408) 630-2408	Advises the District on water supply, legislative issues, and integrated water resource management. <i>(Note: Most issues relate to imported water; Morgan Hill is 100% ground water)</i>	Quarterly 12:00 pm-2:00 pm Santa Clara Valley Water District Headquarters Building Boardroom 5700 Almaden Expressway, San Jose	(P) Constantine (A) Martinez Beltran	James Sylvain, Deputy Director for Utilities Services Tony Eulo, Program Administrator

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

Category	AGENCY NAME	PURPOSE	MEETS	DELEGATES (P=Primary) (A=Alternate)	STAFF REP/S (If applicable)
Water/Wastewater	<u>South County Regional Wastewater Authority (SCRWA) Board Meeting</u> 1500 Southside Drive Gilroy, CA 95020 Gina Bonnell Gina.bonnell@ch2m.com Secretary/Clerk of the Board (408) 848-0480 http://www.ci.gilroy.ca.us/561/South-County-Regional-Wastewater-Authority	The South County Regional Wastewater Authority established by Joint Powers Agreement (Cities of Gilroy & Morgan Hill) to provide common authority relating to Joint Wastewater Gilroy/Morgan Hill Sewage Treatment Plant located in Gilroy.	1st Wednesday of the Month 8:00 am 1500 Southside Drive Gilroy	(P1) Spring (P2) McKay (A) Constantine (A) Martinez Beltran (A) Borgioli	James Sylvain, Deputy Director for Utilities Services Chris Ghione, Public Services Director Christina Turner, City Manager
Water/Wastewater	<u>Joint Water Resource Committee</u> 5750 Almaden Expressway San Jose, CA 95118-3686 (mailing address) Natalie Dominguez ndominguez@valleywater.org (408) 630-2659 http://www.valleywater.org/About/CitiesofGilroyMorganHill.aspx X	Advance South County Water interests. Ensure the continued utilization of recycled water in South County and promote the expansion of water reuse in the region and to advance recycled water production, distribution, and wholesaling in South County.	Meetings follow SCRWA Board Meetings - 1st Wednesday of the month 8:30 am (at the request of the committee) 1500 Southside Drive Gilroy	(P1) Spring (P2) McKay (A) Constantine (A) Martinez Beltran (A) Borgioli The members from the two cities will also represent the South County Regional Wastewater Authority (SCRWA).	Christina Turner, City Manager Chris Ghione, Public Services Director James Sylvain, Deputy Director for Utilities Services

LIST OF CITY COUNCIL ADJUNCT COMMITTEES

Mayor Rich Constantine

- Governance, Transparency and Labor Relations Policy Committee for Cal Cities
- Board Member of the Healthier Kids Foundation
- Morgan Hill Chamber of Commerce Board (Mayor is ex-officio member)
- LAFCO Board Member Representative (Chair) (Cities Association Appointment)
- Cities Association of Santa Clara County Executive Board
- Cities Association of Santa Clara County Treasurer
- Bay Area Air Quality Management District Board of Directors (Cities Association Appointment)
- Mobility Partnership (VTA Board Appointment)
- Recycled and Waste Reduction Commission (RWRC) Gilroy/Morgan Hill Representative (Cities Association Appointment)
- VTA Board (Vice-Chair)
- VTA's Governance and Audit Committee
- VTA's Administration and Finance Committee
- VTA's Capital Program Committee
- Silicon Valley Regional Interoperability Agency (SVRIA) Board Member
- Santa Clara County Hate Crimes Task Force Advisory Board
- South County Youth Task Force
- Valley Water - Water Commission Member

Council Member Yvonne Martinez Beltran

- City Liaison to the Sister City Committee
- Transportation, Communication, and Public Works Policy Committee for Cal Cities
- Public Safety Policy Committee for Cal Cities
- Silicon Valley Clean Energy Executive Committee
- Cities Association – ABAG Alternate

Council Member John McKay

- Legislative Action Committee Co-Chair representing Santa Clara County for the Cal Cities Peninsula Division
- Housing, Economic, and Community Development Policy Committee for Cal Cities
- Transportation, Communication, and Public Works Policy Committee for Cal Cities
- Cal Cities General Resolution Task Force
- South County Youth Task Force
- Downtown Association Liaison

Council Member Rene Spring

- County of Santa Clara Veterans Commission