



Regular Meeting Agenda

Joint Morgan Hill Financing Authority/City Council Meeting

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, November 18, 2020 7:00 p.m.

Virtual Meeting

AMENDED AGENDA

Please note that this agenda has been amended to revise language in the staff report for item 5.

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

Members of the public may NOT physically attend meetings at the Morgan Hill City Council Chamber.

The City Council Meeting will be live-streamed on Channel 17 and on the City's website. Those members of the public wishing to participate remotely may do so via the electronic meeting at: <https://bit.ly/11182020CityCouncilMtg> or by calling in to: (669) 900-9128, then enter the meeting id: 858 0142 8695.

Public comment for City Council meetings will be accepted via email to ccpubliccomment@morganhill.ca.gov <<mailto:ccpubliccomment@morganhill.ca.gov>>. Members of the public participating in the electronic meeting wishing to speak may do so during public comment.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2
Deputy City Clerk Michelle Bigelow

PRESENTATIONS

YAC PRESENTATION- ASSET #34- CULTURAL COMPETENCE

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY MANAGER'S REPORT SUPPLEMENT- DEVELOPMENT PROJECTS

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

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

ADOPTION OF AGENDA

MORGAN HILL FINANCING AUTHORITY MEETING

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. ADOPT RESOLUTION AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)

Recommendation:

Adopt resolution of the Morgan Hill Financing Authority authorizing investment of monies in the local agency investment fund (LAIF).

OTHER BUSINESS

2. **ADOPT RESOLUTION OF THE MORGAN HILL FINANCING AUTHORITY AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF A SERIES OF ITS SEWER REVENUE BONDS, APPROVING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE, AN INSTALLMENT PURCHASE AGREEMENT, A BOND PURCHASE AGREEMENT, AND A PRELIMINARY OFFICIAL STATEMENT; AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO**

Recommendation:

1. Adopt resolution authorizing the execution of an installment purchase agreement to provide financing of the City's anticipated projects through the sale of \$20 million in sewer revenue bonds; and
2. Authorize the Chief Administrative Officer to execute all related documents for the sale of the sewer revenue bonds.

Estimated Time: 15 Minutes

CITY COUNCIL MEETING

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

3. **ADOPT RESOLUTION ACCEPTING THE STATE OF CALIFORNIA'S CAMPAIGN CONTRIBUTION LIMITS PER ASSEMBLY BILL 571**

Recommendation:

Adopt resolution accepting the State of California's campaign contribution limits for local campaigns as set forth in the provisions of AB 571.

4. **ADOPT ORDINANCE AMENDING TABLE 18.26-1 (PERMITTED LAND USES IN THE INDUSTRIAL ZONING DISTRICTS) OF SECTION 18.26.020 (LAND USE REGULATIONS) OF CHAPTER 18.26 (INDUSTRIAL ZONING DISTRICTS); SECTION 18.108.040 (DESIGN PERMIT) OF CHAPTER 18.108 (SPECIFIC PERMIT REQUIREMENTS; SECTIONS 18.124.050 (INDUSTRIAL USES) AND 18.124.060 (TRANSPORTATION, COMMUNICATION, AND UTILITY USES) OF CHAPTER 18.124 (LAND USE DEFINITIONS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING E-COMMERCE DISTRIBUTION USES AND DESIGN REVIEW FOR LARGE PROJECTS**

Recommendation:

Waive the reading, adopt Ordinance No. 2317, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

5. ADOPT ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A ZONING MAP AMENDMENT FOR A MIXED-USE FLEX AND PLANNED DEVELOPMENT COMBINING DISTRICT AND MASTER PLAN FOR A MIXED-USE DEVELOPMENT ON A 19.67-ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF JUAN HERNANDEZ DRIVE AND BARRETT AVENUE (JUAN HERNANDEZ – MH MEDICAL PROPERTIES (LILLIAN COMMONS)) (APNS 817-09-041, 817-09-039 AND 817-09-040)

Recommendation:

Waive the reading, adopt Ordinance No. 2318, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

6. APPROVE AGREEMENT WITH BURKE, WILLIAMS & SORENSEN FOR AFFORDABLE HOUSING LEGAL SERVICES

Recommendation:

Authorize the City Attorney to execute and administer a Consultant Agreement with Burke Williams & Sorensen, LLP (BWS) for Housing Program legal services through June 30, 2022, in an amount not to exceed \$75,000.

7. APPROVE FINAL MAP FOR EIGHT LOT SUBDIVISION AT SAN SEBASTIAN PHASE 2D - TRACT NO. 10529

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
3. Authorize the recordation of the Final Map and the Stormwater BMP Operation and Maintenance Agreement.

8. APPROVE FINAL MAP FOR TWO LOT SUBDIVISION AT SAN SEBASTIAN PHASE 3 - TRACT NO. 10534

Recommendation:

1. Approve the Final Map; and
2. Authorize the recordation of the Final Map.

9. APPROVE THE FINAL MAP, AND AGREEMENTS FOR SUBDIVISION IMPROVEMENTS AND STORMWATER BEST-MANAGEMENT-PRACTICES OPERATION AND MAINTENANCE FOR ANDALUSIA - TRACT NO. 10521

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with MH Andalusia 2020 Inc.;
3. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
4. Authorize the recordation of the Final Map, Subdivision Improvements Agreement, and the Stormwater BMP Operation and Maintenance Agreement.

10. APPROVE THE OCTOBER 28, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

11. APPROVE THE NOVEMBER 4, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

12. AWARD JANITORIAL SERVICE AGREEMENT TO FIRATO SERVICE COMPANY. INC.

Recommendation:

1. Deny bid protest and appeal filed by JLP Maintenance;
2. Award a two-year service agreement to Firato Service Company, Inc. in the amount of \$874,332; and
3. Authorize the City Manager to execute and administer the service agreement with Firato Service Company, Inc.

13. AWARD PHASE 1 OF HALE AVENUE EXTENSION PROJECT TO DESILVA GATES CONSTRUCTION

Recommendation:

1. Approve the Hale Avenue Extension Project plans and specifications;
2. Award contract to DeSilva Gates Construction for the Hale Avenue Extension Project in the amount of \$14,174,174;
3. Authorize expenditure of construction contingency funds not to exceed \$1,417,417; and
4. Authorize the City Manager to execute and administer the construction contract with DeSilva Gates Construction pending review and approval by the City Attorney's office.

14. APPROVE COST SHARE AGREEMENT WITH VALLEY WATER FOR THE HALE AVENUE EXTENSION PROJECT AND FLOOD CONTROL IMPROVEMENTS

Recommendation:

1. Authorize the City Manager to execute and administer a cost share agreement with Valley Water for the construction of the Hale Avenue Extension Project south of Warren Avenue and improvements supporting the Upper Llagas Creek Flood Control Project for up to \$3.5 million; and
2. Authorize the City Manager to make minor modifications to the agreement as necessary with approval of the City Attorney.

15. RECEIVE REPORT REGARDING SILICON VALLEY COMMUNITY FOUNDATION 2020 CENSUS OUTREACH GRANT ACTIVITIES AND OUTCOMES

Recommendation:

Receive Report.

OTHER BUSINESS

**16. ADOPT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL
APPROVING THE EXECUTION AND DELIVERY OF AN INSTALLMENT PURCHASE
AGREEMENT, A BOND PURCHASE AGREEMENT, A PRELIMINARY OFFICIAL
STATEMENT, A CONTINUING DISCLOSURE CERTIFICATE; AND AUTHORIZING
CERTAIN OTHER MATTERS RELATING THERETO**

Recommendation:

1. Adopt resolution authorizing the execution of an installment purchase agreement to provide financing of the City's anticipated projects through the sale of \$20 million in sewer revenue bonds; and
2. Authorize City Manager to execute all related documents with the sale of the sewer revenue bonds.

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, 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 Diversity and Inclusiveness
- Advancing Regional Initiatives

2020-2021 Strategic Priorities

- **Fiscal Sustainability**
- Affordable Housing and Homelessness
- Community 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.