



## **Regular Meeting Agenda**

### **City Council**

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

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**Wednesday, January 20, 2021 7:00 p.m.**

### **Virtual Meeting**

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## **VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT**

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

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

Public comment may be provided in the following ways:

- Join the virtual City Council meeting via the link above, when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes
- Join the virtual meeting by calling in to the number above, dial \*9 to raise your hand and be called upon to speak for up to 3 minutes
- Send public comments in writing to the City Clerk at [ccpubliccomment@morganhill.ca.gov](mailto:ccpubliccomment@morganhill.ca.gov) or [ccpubliccomment@morganhill.ca.gov](mailto:ccpubliccomment@morganhill.ca.gov)

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

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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**

City Clerk Michelle Bigelow

## **DECLARATION OF POSTING AGENDA**

Per Government Code Section 54954.2  
City Clerk Michelle Bigelow

## **PRESENTATIONS**

**YAC PRESENTATION- ASSET #32- PLANNING AND DECISION MAKING**

## **RECOGNITIONS**

2020 STEM Winners

## **CITY MANAGER'S REPORT**

City Manager Christina Turner

**CITY MANAGER'S REPORT SUPPLEMENT 1**

**CITY MANAGER'S REPORT SUPPLEMENT 2**

## **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 1**

**PUBLIC COMMENT SUPPLEMENT 2**

**PUBLIC COMMENT SUPPLEMENT 3**

## **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 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) COMMUNITY-BASED TRANSPORTATION PLAN FOR MORGAN HILL**

Recommendation:

Accept the Morgan Hill Community-Based Transportation Plan (CBTP).

**2. ADOPT ORDINANCE 2319, NEW SERIES, OF THE CITY OF MORGAN HILL AMENDING SECTION 8.28.040 (ENUMERATION OF UNLAWFUL NOISES) OF CHAPTER 8.28 (NOISE) OF TITLE 8 (HEALTH AND SAFETY) AND AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING CODE) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES; AMENDING CHAPTER 18.52 (FENCES AND WALLS) OF TITLE 18 (ZONING) TO CLARIFY AND ESTABLISH DESIGN AND SCREENING REQUIREMENTS OF FENCES AND WALLS; AND TO ESTABLISH CHAPTER 18.115 (GENERAL PLAN AMENDMENTS) OF TITLE 18 (ZONING CODE) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING PROCEDURES FOR AMENDING THE GENERAL PLAN**

Recommendation:

Waive the reading, adopt Ordinance No. 2319, 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.

**3. APPROVE CITY POSITION AND COMMUNICATION REGARDING VTA'S PROPOSED MEASURE B FUNDING REALIGNMENT, VALLEY WATER'S FUNDING OF PHASE 2A OF UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT AND FEDERAL STIMULUS SUPPORT FOR STATE AND LOCAL GOVERNMENTS**

Recommendation:

1. Ratify City position and accept City communication sent to Santa Clara County Board of Supervisors regarding opposition of Valley Transportation Authority's (VTA) proposed 2016 Measure B 10-year outlook base scenario and funding realignment;
2. Authorize City Manager to communicate the City's position to Valley Transportation Authority Board when the matter is placed on its agenda;
3. Ratify City position and accept City communication sent to Valley Water in support of funding Phase 2A of the Upper Llagas Flood Control Protection Project; and
4. Ratify City position and accept City communication sent to Federal legislative representatives in support for economic stimulus for state and local governments.

**4. APPROVE AGREEMENT WITH BLACK & VEATCH FOR RISK AND RESILIENCY ASSESSMENT (RRA) AND EMERGENCY RESPONSE PLAN (ERP) SERVICES**

Recommendation:

Approve and authorize the City Manager to execute and administer an agreement with Black & Veatch Corporation in the amount of \$143,880 for the development of a Risk and Resilience Assessment and Emergency Response Plan.

**5. APPROVE FIRST AMENDMENT TO AGREEMENT WITH SANTA CLARA COUNTY FOR ISOLATION QUARANTINE PROGRAM**

Recommendation:

Approve the First Amendment to the agreement between the County of Santa Clara and the City of Morgan Hill for the Countywide Isolation and Quarantine Support Program to extend the term through June 30, 2021.

**6. APPROVE GOVERNMENT CODE 65915 DENSITY BONUS CONCESSIONS FOR A 100 PERCENT AFFORDABLE HOUSING PROJECT (SR2020-0023 WATSONVILLE-HORDNESS)**

Recommendation:

Adopt resolution approving the request for the following affordable housing concessions, pursuant to Government Code:

1. Increase in floor area ratio;
2. Reduction in on-site parking;
3. Reduction in common open space; and
4. Increase in building height.

**7. APPROVE THE DECEMBER 16, 2020 MEETING MINUTES**

Recommendation:

Approve Minutes.

**PUBLIC HEARING**

**8. ADOPT RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY FROM GARCIA FOR THE HALE AVENUE EXTENSION PROJECT**

Recommendation:

1. Adopt Resolution of Necessity determining that the public interest and necessity require the acquisition by eminent domain of real property from Rocke and Glenda Garcia as identified in Exhibit A for the Hale Avenue Extension Project; and
2. Authorize the City Attorney to file suit in eminent domain with respect to said property.

Estimated Time: 10 Minutes

**OTHER BUSINESS**

**9. RECEIVE MONTHLY BUDGET UPDATE, DECEMBER 2020 FINANCIAL AND INVESTMENT REPORTS, AND CITY MANAGER AUTHORITY REPORT**

Recommendation:

Accept and file report.

Estimated Time: 15 Minutes

**10. REVIEW AND APPROVE CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES**

Recommendation:

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

Estimated Time: 30 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](mailto: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](mailto: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.