



**Regular Meeting Agenda
City Council**

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

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

**Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037**

AMENDED AGENDA

Please note that this agenda has been amended to add the ratification of the proclamation of local emergency. Additionally, Other Reports, the David J. Powers Agreement (previously item 9) and the closed session items have been removed from the agenda.

**OPEN AND PUBLIC MEETINGS DURING THE COVID-19 VIRUS
EMERGENCY**

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 11 of Executive Order N-25-20, executed by the Governor of California on March 12, 2020 to mitigate the spread of the coronavirus known as COVID-19. **On March 18, 2020, Executive Order N-29-20 was executed. Per paragraph 3, the requirement to allow one publicly accessible location where members of the public have the right to observe and offer comment at the meeting has been suspended.**

In particular, the Executive Order suspends the provisions of the Brown Act that require noticing and posting of agendas at each location where a member will be participating telephonically, as well as provisions that require physical presence of members for purposes of a quorum or to hold a meeting. Remote participants do not need to allow public access or comment at remote locations. The Order requires that the agency notice at least one publicly accessible location where members of the public have the right to observe and offer comment at the meeting, consistent with other provisions of the Brown Act.

The following members of the Morgan Hill City Council are listed to permit them to appear telephonically, if necessary, at the City Council Meeting on March 18, 2020: Mayor Constantine; Mayor Pro Tem Martinez Beltran and Council Members Carr, McKay, and Spring.

Public Participation:

In accordance with Executive Orders N-25-20, N-29-20, 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 must do so remotely via Zoom electronic meetings in the following ways; by either logging onto <https://zoom.us/j/597450134> and enter Meeting ID: 597450134 or by calling in (669) 900-9128 enter Meeting ID: 597450134#.

Public comment for City Council meetings will be accepted via email to ccpubliccomment@morganhill.ca.gov and/or through the chat feature of the Zoom electronic meeting during the meeting, prior to the close of public comment on an item, and read into the record during public comment.

Please note that we will not be streaming these meetings via Facebook live.
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

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Proclaiming the month of March as American Red Cross Month
Proclaiming the month of March as Women's History Month
Proclaiming March 31, 2020 as Cesar Chavez Day

PRESENTATIONS

YAC PRESENTATION DEVELOPMENTAL ASSET #3- OTHER ADULT RELATIONSHIPS

CITY COUNCIL REPORTS

Mayor Constantine

CITY MANAGER'S REPORT

City Manager Christina Turner

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)

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. **APPROVE MONTEREY - CITY VENTURES: AFFORDABLE HOUSING PARKING CONCESSION**

Recommendation:

Adopt resolution approving the request for the affordable housing parking concession.

2. **APPROVE AGREEMENT WITH ASSET PROTECTION PRIVATE SECURITY, INC. FOR SECURITY SERVICES**

Recommendation:

Approve and authorize the City Manager to execute and administer a two-year agreement with Asset Protection Private Security, Inc in the amount of \$82,000 for security services.

3. APPROVE MEMORANDUM OF UNDERSTANDING FOR 2019 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) WITH THE COUNTY OF SANTA CLARA

Recommendation:

1. Approve and authorize the City Manager to execute and administer a Memorandum of Understanding with The County of Santa Clara for the 2019 Emergency Management Performance Grant; and
2. Adopt resolution amending the City's Fiscal Year 2019-20 adopted budget to recognize the grant revenue of \$14,400 and appropriate the same as expenditure within the General Fund (010).

4. APPROVE SECOND AMENDMENT TO AGREEMENT WITH SECURE SOLUTIONS INC.

Recommendation:

Approve and authorize the City Manager to execute and administer the Second Amendment to the Agreement with Secure Solutions Inc. for a not to exceed amount of \$85,000 to conduct hiring background investigations of police personnel.

5. APPROVE CITY SPONSORSHIP OF PHILANTHROPY NIGHT, INDIA INDEPENDENCE DAY FESTIVAL, AND FUTURE WOMEN LEADERS CONFERENCE EVENTS AT THE COMMUNITY AND CULTURAL CENTER

Recommendation:

1. Authorize the City Manager to waive facility rental fees of \$3,000 for Morgan Hill Community Foundation's November 2020 Philanthropy Night Celebration;
2. Authorize the City Manager to waive facility rental fees of \$615 for Indian Association of South Santa Clara County's August 2020 India Independence Day Festival and flag raising ceremony; and
3. Authorize the City Manager to waive facility rental fees of \$3,000 for American Association of University Women's April 2021 Future Women Leaders Conference.

6. AWARD MORGAN HILL INCLUSIVE PLAYGROUND/MAGICAL BRIDGE PROJECT

Recommendation:

1. Adopt resolution to appropriate an additional \$701,079 in the Park Impact Fund (301) for the Morgan Hill Inclusive Playground/Magical Bridge Project;
2. Approve the Morgan Hill Inclusive Playground/Magical Bridge Project Plans and Specifications;
3. Award contract to CRW Industries, Inc. for the Morgan Hill Inclusive Playground/Magical Bridge Project in the amount of \$5,562,090;
4. Authorize expenditure of construction contingency funds not to exceed \$556,209; and
5. Authorize the City Manager to execute and administer the construction contract with CRW Industries, Inc.

7. ADOPT ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF MORGAN HILL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Recommendation:

Waive the reading, adopt Ordinance No. 2316, 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.

8. APPROVE THE MARCH 4, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

OTHER BUSINESS

9. ADOPT RESOLUTION RATIFYING PROCLAMATION OF LOCAL EMERGENCY DUE TO PANDEMIC RESPONSE

Recommendation:

Adopt Resolution ratifying the March 13, 2020 emergency proclamation due to pandemic response.

Estimated Time: 10 Minutes

10. DISCUSS RESPONSE TO THE COUNTY OF SANTA CLARA'S ORDERS REGARDING COVID-19

Recommendation:

Provide direction to staff.

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.

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