

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND ADMINISTER, THAT CERTAIN LICENSE AGREEMENT WITH GEORGE CHIALA FARMS, INC. FOR AGRICULTURAL CULTIVATION ON CITY PROPERTY AND APPROVING AN AMENDMENT TO THE CITY'S FISCAL YEAR 2015/2016 ANNUAL BUDGET IN THE PARK IMPACT FUND (FUND NO. 301) TO INCREASE ANTICIPATED REVENUES BY \$5,200

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 the entrance of the City into that certain agreement described in, and that is the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled "LICENSE AGREEMENT WITH GEORGE CHIALA FARMS" submitted for City Council consideration at its meeting of December 16, 2015, 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 Annual Budget for Fiscal Year 15/16 as set forth on Exhibit A to this Resolution, to incorporate the requisite funds to implement the actions authorized by this Resolution; and

WHEREAS, the activities allowed under this Resolution are categorically exempt under the provisions of California Environmental Quality Act of 1970 per Section 15304 (Minor Alterations to Land) of the CEQA guidelines; 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 License Agreement with George Chiala Farms for the continuation of its agricultural operation substantially in the form attached hereto as Exhibit B and incorporated herein by this reference (the “Agreement”) is hereby approved subject to the review and approval of the City Attorney; and
- b. That the City Manager is hereby delegated authority and is authorized and directed to execute, further negotiate, and subsequently administer including the authority to terminate as necessary or appropriate, the Agreement substantially in the form attached hereto as Exhibit B; and
- c. That the City’s previously adopted Fiscal Year 15/16 Annual 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
- d. 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 15/16 Annual Budget of City.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 16th day of December, 2015 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:

DATE: _____

Steve Tate, MAYOR

∞ 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.XXXX , adopted by the City Council at the meeting held on December 16, 2015.

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

DATE: _____

Irma Torrez, CITY CLERK

Exhibit A

AGENDA BUDGET SCORECARD

FISCAL YEAR 2015-16

ADJUSTMENT #

031

FUND:

301 Park Impact Fund

DEPARTMENT:

0000

OBJECT:

37402 RENT & CONCESSIONS

AGENDA DATE:

12/16/15

AGENDA ITEM TITLE:

George Chiala Farms License Agreement

	07/01/15 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	APPROPRI- ATIONS	06/30/16 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	4,716,504	4,041,090	5,811,755	2,945,839
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	75,500	(75,500)
RECOMMENDED ACTION	-	2,600	-	2,600
RESULT OF RECOMMENDED ACTION	<u>4,716,504</u>	<u>4,043,690</u>	<u>5,887,255</u>	<u>2,872,939</u>