

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING, AND AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR FUNDING FOR A \$250,000 GRANT TO THE SANTA CLARA OPEN SPACE AUTHORITY'S MEASURE Q OPEN SPACE GRANT PROGRAM FOR THE EXPANSION AND RELOCATION OF THE MORGAN HILL COMMUNITY GARDEN

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 "COMMUNITY GARDEN EXPANSION AND RELOCATION GRANT" submitted for City Council consideration at its meeting of August 24, 2016, 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, 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 meeting 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, in accordance with the voter-approved Measure Q Expenditure Plan, the Santa Clara Valley Open Space Authority (Authority) has established a competitive Urban Open Space Grant Program (the Program) for projects that provide healthy and safe open space and park areas within and near urban areas of Santa Clara County; and

WHEREAS, the City of Morgan Hill has identified the expansion and relocation of the Community Garden (Project) as a priority project to be accomplished in the next several years; and

WHEREAS, the City of Morgan Hill believes that the Project meets the criteria for the Authority's Measure Q Urban Open Space Grant Program; and

WHEREAS, the total project cost for the implementation of the Project will be \$400,000; and

WHEREAS, the Authority's Program requires applicants to provide at least 25% match of project cost; and

WHEREAS, the City of Morgan Hill has secured \$150,000 from land procurement costs and park impact fees; and

WHEREAS, if implemented, the City of Morgan Hill will partner with Morgan Hill Community Garden to operate and maintain the Project; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; 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. Authorization. The City Manager of the City of Morgan Hill is hereby authorized to submit an application for funding to the Authority's Program in the amount of \$250,000 for the expansion and relocation of the Morgan Hill Community Garden.
- b. Measure Q Consistency. That the Project is consistent with the Measure Q Expenditure Plan.
- c. Grant Agreement. The City Manager of the City of Morgan Hill is hereby authorized to conduct all negotiations and submit and sign all documents, including but not limited to, application, conservation easement, amendments, reimbursement requests and other documents, which may be necessary for completion of the project.
- d. Matching Funds. If awarded funding, the City of Morgan Hill has or will have available \$150,000 for matching funds as cash or in-kind and sufficient funds to complete the project.
- e. Operation and Maintenance. The City of Morgan Hill has or will have available sufficient funds to operate and maintain the project in partnership with Morgan Hill Community Garden, if awarded funding.
- f. Program Guidelines. The City of Morgan Hill has reviewed, understands, and agrees to the provisions contained in the Program Guidelines.

- g. Legal Compliance. The City of Morgan Hill acknowledges that if the Project is funded, it will be required to comply with all federal, state and local laws.

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 24th day of August, 2016 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 August 24, 2016.

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

DATE: _____

Irma Torrez, CITY CLERK