



Regular Meeting Agenda
City Council

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

Wednesday, November 16, 2022 7:00 PM

Hybrid Meeting
17555 Peak Avenue, Morgan Hill, CA 95037 and Virtual (Link to join the meeting can be found below)

TELECONFERENCE

Mayor Rich Constantine will be participating in the City Council meeting via teleconference as follows:

The Westin
3838 Wyllie Road
Princeville, HI 96722

The public may attend the City Council meeting and will have the opportunity for public comment from the Princeville, HI teleconference location.

Morgan Hill City Council meetings will be held as “hybrid” meetings with the option to attend by teleconference/video conference or in-person. To maximize public safety while still maintaining transparency and public access, members of the public can choose to participate remotely or attend in-person. Information on how the public may observe and participate in the meeting is located below. Santa Clara County strongly encourages masks and social distancing if attending in person.

MEETING GUIDELINES AND PUBLIC COMMENT

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 who would like to participate in the meetings remotely may do so by joining the virtual meeting at:

<https://bit.ly/MHCityCouncilMeeting> or by calling (669) 900-9128, then enter the webinar id: 873 3200 8380#. Public comment may be provided in the following ways:

- Provide public comment in-person
- 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 (YOU MUST BE RUNNING THE MOST CURRENT VERSION OF ZOOM TO BE UNMUTED)
- Join the virtual meeting by calling 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

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC Presentation- Asset #34- Cultural Competence

RECOGNITIONS

Recognizing the Edward Boss Prado Foundation for their support of the Magical Bridge Playground and Aquatics Center Summer Access Passes for low-income youth

PROCLAMATIONS

Proclaiming the month of November as Native American Heritage Month

CITY COUNCIL REPORTS

Council Member McKay

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

This opportunity for public comment is for items that are not on the agenda. If you would like to make comments on an item that is on the agenda, please wait until we get to that item to offer your comments. 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. Public comment is intended for comments. Questions posed during public comment are not generally answered. If you have questions, please send them to the City Clerk at ccpubliccomment@morganhill.ca.gov to receive a response. (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. ACCEPT THE MORGAN HILL INCLUSIVE PLAYGROUND/MAGICAL BRIDGE PROJECT

Recommendation:

1. Accept as complete the Morgan Hill Inclusive Playground/Magical Bridge Project;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

2. ADOPT ORDINANCE 2338, NEW SERIES, APPROVING A ZONING MAP

**AMENDMENT FOR EXPANSION OF A MIXED-USE FLEX ZONE AND
PLANNED DEVELOPMENT COMBINING DISTRICT AND MASTER PLAN
FOR A 66.49-ACRE AREA LOCATED AT THE NORTHEAST QUADRANT OF
COCHRANE ROAD AND HIGHWAY 101 (APNs 728-37- 001, -002, -004, -005
& -007)**

Recommendation:

Waive the reading, adopt Ordinance No. 2338, 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. AMEND CONFLICT OF INTEREST CODE REPORTING CATEGORIES

Recommendation:

Adopt resolution amending the list of positions subject to the City's Conflict of Interest Code.

**4. APPROVE FIRST AMENDMENT TO THE BATTALION ONE FIRE
PROTECTION MAINTENANCE SERVICE AGREEMENT**

Recommendation:

1. Approve the first amendment to the maintenance service agreement with Battalion One Fire Protection, Inc. for an additional year of services for \$17,969, for a total contract amount of \$60,179; and
2. Authorize the City Manager to execute and administer two additional one-year extensions of the maintenance service agreement.

**5. APPROVE ACQUISITION OF SEWER EASEMENT (PATEL) APN 841-03-063
FOR THE SEWER RELIEF TRUNK LINE PROJECT**

Recommendation:

1. Adopt resolution approving the purchase of a sewer easement (1,984 square feet), APN 841-03-063 for \$27,000 plus escrow and closing costs from Jitendra and Nayana Patel for the Sewer Relief Trunk Line Project; and
2. Authorize the City Manager to execute all documents and make minor modifications as necessary in order to consummate the transaction.

**6. APPROVE SECOND AMENDMENT TO THE JOINT VENTURE SILICON
VALLEY CONSULTANT AGREEMENT FOR THE COUNTYWIDE SOLID
WASTE SERVICES PROGRAM**

Recommendation:

1. Approve the Second Amendment to the Consultant Agreement with Joint Venture Silicon Valley to add Special Projects for \$49,324 for a revised

total contract amount of \$399,324; and

2. Authorize the City Manager to execute and administer the Second Amendment to the Consultant Agreement with Joint Venture Silicon Valley.

7. **APPROVE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH CSG CONSULTANTS, INC. TO PROVIDE PLAN CHECK/REVIEW ASSISTANCE**

Recommendation:

Approve the First Amendment to the professional services agreement with CSG Consultants, Inc. for Building Department review services for a total not-to-exceed amount of \$260,000.

8. **APPROVE FRANCHISE AGREEMENT WITH RECOLOGY SOUTH VALLEY FOR SOLID WASTE MANAGEMENT SERVICES**

Recommendation:

Approve franchise agreement with Recology South Valley and authorize the City Manager to execute the agreement subject to the review and approval of the City Attorney.

9. **APPROVE THE NOVEMBER 2, 2022 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve minutes.

10. **AWARD LANDSCAPE MAINTENANCE SERVICE AGREEMENT FOR CITY PARKS, MEDIANS, AND DOWNTOWN**

Recommendation:

1. Award a Maintenance Service Agreement to Brightview Landscape Services, Inc. in the amount of \$274,608 for a two-year period (\$137,304 annually) to service Group 1: Park Mowing at City Parks; Group 3: Street Medians, Streetscapes, and Parking Lots; and Group 6: Downtown Area and extra services, with three consecutive one-year extensions, subject to future annual budget appropriations by the City Council; and
2. Authorize the City Manager to execute and administer said Agreement.

11. **RECEIVE REPORT REGARDING UPCOMING 2023 COMMISSION VACANCIES PER MADDY ACT**

Recommendation:

Receive report.

PUBLIC HEARINGS

12. ADOPT RESOLUTION OF FORMATION TO FORM THE MORGAN HILL PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (MHPBID)

Recommendation:

1. Open/close public hearing;
2. At the close of the public hearing, order the tabulation of ballots; and
3. If ballots in support of MHPBID formation exceed ballots in opposition to MHPBID formation, adopt resolution forming the MHPBID.

13. APPEAL (AAE2022-0007) OF PLANNING COMMISSION APPROVAL OF VESTING TENTATIVE MAP (SD2021-0004), DESIGN PERMIT (SR2021-0014), AND A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA, FOR A 93-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT PROPOSED BY DENOVA HOMES. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBERS 726-42-001 AND -002 ARE LOCATED WEST OF THE MONTEREY ROAD/BURNETT AVENUE INTERSECTION (FAMILY RV SITE)

Recommendation:

1. Grant a hearing de novo;
2. Open/close public hearing; and
3. Adopt resolution denying the appeal and reaffirming the decision of the Planning Commission to approve the project subject to Conditions of Approval.

14. APPROVE A ZONING AMENDMENT TO ADD THE PLANNED DEVELOPMENT COMBINING DISTRICT AND APPROVE A DESIGN PERMIT AMENDMENT TO ALLOW FOR AN ADDITIONAL LEVEL (5TH FLOOR) FOR THE APPROVED GRANADA HOTEL ON A 1.09-ACRE SITE (APN726-14-047)(ZA2022- 0004/AAE2022-0004/EA2022-0010 MONTEREY - GRANADA HOTEL)

Recommendation:

1. Open/Close Public Hearing;
2. Waive the first and second reading of the proposed ordinance;
3. Introduce a Zoning Amendment Ordinance approving a Planned Development Combining District; and
4. Adopt resolution approving a Design Permit Amendment for the addition of a 5th floor with minor facade modifications.

OTHER BUSINESS

15. INTRODUCE AN ORDINANCE REQUIRING ELECTRIC VEHICLE CHARGING INFRASTRUCTURE IN NEW CONSTRUCTION

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce the ordinance.

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 and Enhancing 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



2022-2023 Strategic Priorities

- Fiscal Sustainability
- Affordable Housing and Homelessness
- Community Outreach, 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.

November 16, 2022