



Regular Meeting Agenda
City Council

Mark Turner - Mayor
Rene Spring - Mayor Pro Tem
Gino Borgioli - Council Member
Marilyn Librers - Council Member
Yvonne Martínez Beltrán - Council Member

Wednesday, March 15, 2023 7:00 PM

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

Morgan Hill City Council meetings are held in person with the option for the public to attend in-person or by teleconference/video conference. Information on how the public may observe and participate in the meeting is located below.

MEETING PARTICIPATION AND PUBLIC COMMENT

City Council meetings will be live-streamed on Channel 17, the City's website, and the City's Facebook page.

Those members of the community that would like to participate in the meetings remotely may do so by joining virtually 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 City Council meeting virtually 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 virtually by calling the number above, dial *9 to raise your hand, and be called upon to speak for up to 3 minutes
- Public comment in writing may be submitted via email to ccpubliccomment@morganhill.ca.gov or by mail to the City Clerk at 17575 Peak Avenue, Morgan Hill, CA 95037. Please email your comments to the City Clerk no later than 3:00 p.m. on Tuesday (the day before the City Council meeting) for your comments to be submitted to the members of the City Council with sufficient

time to review the comments. You may continue to provide written comments up to noon on Wednesday (the day of the meeting although Council Members may not have sufficient time to review them before the meeting. Public comments submitted to the City Clerk after noon the day of the meeting will be provided to the City Council as time allows.

Written comments WILL NOT be read aloud during the City Council Meeting. Please note that written comments are posted on the City's website, so do not include any personal information you do not want to be posted on the web.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC Presentation - Asset #17 - Creative Activities

PROCLAMATIONS

Youth Arts Month
Solidarity with Ukraine
Cesar Chavez Day
Women's History Month

CITY COUNCIL REPORTS

Council Member Marilyn Librers

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 2022 GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT (APR)**

Recommendation:

Accept the 2022 General Plan and Housing Element Annual Progress Report (APR) and direct staff to file the report with the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD).

2. **ACCEPT \$595,748 IN GRANT FUNDS FROM SILICON VALLEY CLEAN ENERGY**

Recommendation:

Authorize City Manager to execute and administer grant funding agreements with Silicon Valley Clean Energy.

3. **ACCEPTANCE OF EAST DUNNE REHABILITATION PROJECT IN THE AMOUNT OF \$2,090,840**

Recommendation:

1. Accept as complete the East Dunne Rehabilitation 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.

4. **ACCEPT 2022 PAVEMENT REHABILITATION PROJECT IN THE AMOUNT OF \$4,001,888**

Recommendation:

1. Accept as complete the 2022 Pavement Rehabilitation 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

5. **ACCEPT DONATION FROM COMMUNITY LAW ENFORCEMENT FOUNDATION**

Recommendation:

1. Accept the Community Law Enforcement donation of:

- a. Canine Challenge Coins,
- b. cash donation in the amount of \$8,727 for equipment, and
- c. cash donation in the amount of \$29,868 to reimburse the City of Morgan Hill for expenses related to the December 10, 2022, Gun Buyback Event.

2. Adopt a resolution to amend the City's Fiscal Year 2022-23 General Fund budget, accepting a donation of \$38,595 and appropriating \$38,595.

6. **ACCEPT 2022 EMERGENCY MANAGEMENT PERFORMANCE GRANT AND ADOPT RELATED RESOLUTIONS**

Recommendation:

Adopt resolution:

1. Authorizing the City Manager to execute and administer the Memorandum of Understanding with the County of Santa Clara for the 2022 Emergency Management Performance Grant; and

2. Amending the City's Fiscal Year 2022-23 adopted budget to recognize revenue and appropriate related expenditures, in the amount of \$15,200 from the General Fund.

7. **ADOPT ORDINANCE NO. 2344, NEW SERIES, APPROVING A ZONING MAP AMENDMENT FROM PLANNED DEVELOPMENT/GENERAL COMMERCIAL TO MIXED USE FLEX FOR A MIXED-USE DEVELOPMENT ON A 3.82-ACRE SITE LOCATED ON THE SOUTHWEST QUADRANT OF COCHRANE ROAD AND MONTEREY ROAD (MONTEREY – CITY VENTURES (THE GATES)) (APNS 764-10-013 AND 764-10-015)**

Recommendation:

Waive the reading, adopt Ordinance No. 2344, 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. **ADOPT ORDINANCE NO. 2345, NEW SERIES, AMENDING SECTION 2.04.010 OF THE MUNICIPAL CODE, REGARDING THE TIME AND LOCATION OF THE COUNCIL MEETINGS**

Recommendation:

Waive the reading, adopt Ordinance No. 2345, 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.

9. **ADOPT RESOLUTION OPPOSING BALLOT INITIATIVE #21-0042A1, SPONSORED BY CALIFORNIA BUSINESS ROUNDTABLE, LOBBYING ARM OF THE LARGE CORPORATIONS IN CALIFORNIA**

Recommendation:

1. Adopt resolution to oppose ballot Initiative #21-0042A1; and
2. Authorize staff to send a letter to the League of California Cities formalizing the City's position.

10. **APPROVE PURCHASE OF MAINTENANCE DIVISION DUMP TRUCK**

Recommendation:

1. Approve the purchase of a 2022 Ram 5500 Chassis Cab Dump Truck from the Gilroy Chrysler Dodge Jeep Ram in the amount of \$114,887 to replace vehicle D08127; and
2. Authorize the disposal of the surplus vehicle D08127 in accordance with Section 3.04.400 of the City of Morgan Hill Municipal Code.

11. **APPROVE UPDATED EMERGENCY OPERATIONS PLAN**

Recommendation:

Approve the distribution and use of the updated City of Morgan Hill's Emergency Operations Plan.

12. APPROVE THE FEBRUARY 15, 2023 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the February 15, 2023 City Council Meeting Minutes

13. APPROVE SEWER AND TRAFFIC IMPACT FEE FINANCING AND SECURITY AGREEMENT WITH JOHN MICHAEL MONACO AND NORA GAYLE MONACO REVOCABLE LIVING TRUST AT 195 MAST ST

Recommendation:

Adopt resolution authorizing the City Manager to execute a Sewer and Traffic Impact Fee Financing and Security Agreement, consistent with the Sewer and Traffic Impact Fee Deferral Program and Government Code section 53083, with John Michael Monaco and Nora Gayle Monaco Revocable Living Trust for the approved Conditional Use (Indoor Recreation/Gym) on a property zoned for light industrial at 195 Mast Street.

14. APPROVE UPDATES TO THE SUSTAINABLE MORGAN HILL DOCUMENT AND COUNCIL POLICY REGARDING RULES FOR CONDUCT OF CITY COUNCIL MEETINGS, PLACEMENT OF ITEMS ON THE AGENDA, AND MATTERS TO BE RECONSIDERED

Recommendation:

1. Adopt updates to the Sustainable Morgan Hill document; and
2. Adopt updates to City Council Policy (CP 97-01) - Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered.

15. RECEIVE ANNUAL REPORT ON 2022 CITY ENGINEER ACCEPTANCES OF PUBLIC IMPROVEMENTS COMPLETED BY PRIVATE DEVELOPMENT PROJECTS

Recommendation:

Accept and file Annual Report on 2022 City Engineer acceptances of public improvements completed by private development projects.

16. RECEIVE MONTHLY BUDGET UPDATE AND JANUARY 2023 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

17. TERMINATE LOCAL EMERGENCY PROCLAMATION

Recommendation:

Proclaim the termination of the local emergency related to the winter storms.

PUBLIC HEARINGS

18. ADOPT UPDATED WATER CAPACITY (IMPACT) FEES

Recommendation:

1. Open/Close Public Hearing; and
2. Adopt resolution approving the 2023 NBS Water Capacity Fee Analysis and updating the Water Capacity (Impact) Fee as proposed in the study.

OTHER BUSINESS

19. APPROVE DESIGN CONSULTANT AGREEMENT WITH VERDE DESIGN FOR BUTTERFIELD PARK

Recommendation:

1. Authorize the City Manager to execute and administer a design consultant agreement for \$296,454 with Verde Design for the design of the Butterfield Park Site; and
2. Adopt a resolution to amend the City's Fiscal Year 2022-23 adopted budget to appropriate \$180,000 from the Park Impact Fund.

20. APPROVE PARTNER AGREEMENT FOR BUTTERFIELD PARK DEVELOPMENT WITH FOUNDATION FOR A BETTER RIDE IN COLLABORATION WITH USA BMX

Recommendation:

Authorize the City Manager to execute and administer an operator agreement with Foundation for a Better Ride for the construction, operations, and maintenance of a BMX facility at the Butterfield Park site.

CLOSED SESSION

REAL PROPERTY NEGOTIATIONS

Pursuant to: Government Code Section 54956.8

Property: APN - 81706002

Negotiating Parties: City Manager and Public Services Director

Under Negotiation: Price and Terms

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

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.