



Special/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, August 23, 2023 5:00 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 12:00 p.m. 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.

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 5:00 pm for the purpose of conducting a closed session.

SPECIAL MEETING

5:00 pm Closed Session

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Authority: Pursuant Government Code Section 54957.6

City Negotiators: Christina Turner, City Manager; Donald Larkin, City Attorney; Michael Horta, Human Resources Director; Dat Nguyen, Finance Director; Edith Ramirez, Assistant City Manager, Development Services

Employee Organization: Morgan Hill Police Officers Association; AFSCME Local 101 Morgan Hill; Community Service Officers Association; Employees Covered under Management Resolution #21-050

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

REGULAR MEETING

6:00 pm

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

The City of Morgan Hill recognizes the Independence Day Celebrations Team for their outstanding success with the 2023 Freedom Fest.

PROCLAMATIONS

Proclaiming the Celebration of Women's Right to Vote and Women's Equality Day

CITY COUNCIL REPORTS

Council Member Martinez Beltran

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.

1. ACCEPT 2020 INFLOW AND INFILTRATION SEWER REPAIR PROJECT IN THE AMOUNT OF \$2,420,982

Recommendation:

1. Accept as complete the 2020 Inflow and Infiltration Sewer Repair 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. ACCEPT ANNUAL EVALUATION REPORT FOR THE SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FY 2022-23 (YEAR 2) RELATING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROGRAM

Recommendation:

Accept the Annual Evaluation Report for FY 2022-23 (Year 2) for the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI).

3. ACCEPT PHASE 1 OF HALE AVENUE EXTENSION PROJECT IN THE AMOUNT OF \$15,446,002

Recommendation:

1. Accept as complete the Phase 1 Hale Avenue Extension 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. ADOPT A RESOLUTION AMENDING THE CITY'S COUNTYWIDE SOLID WASTE BUDGET AND APPROVE THE FIRST AMENDMENT TO THE JOINT VENTURE SILICON VALLEY CONSULTANT AGREEMENT FOR THE FY 2023-24 COUNTYWIDE SOLID WASTE PROGRAM

Recommendation:

1. Adopt a Resolution appropriating an additional \$203,182 to the City's Countywide Solid Waste Program (Fund 246);

2. Approve the first amendment to the consultant agreement with Joint Venture Silicon Valley to add Food Recovery Program Infrastructure Enhancements for \$203,182 and the Surplus to Go Program for \$100,000 for a revised total contract amount of \$591,627; and
3. Authorize the City Manager to execute and administer the first amendment to the consultant agreement with Joint Venture Silicon Valley.

5. **ADOPT ORDINANCE 2347, NEW SERIES, AMENDING SECTION 18.24.020 (LAND USE REGULATIONS) OF 18.24 (COMMERCIAL ZONING DISTRICTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS TO THE ADMINISTRATIVE OFFICE (CO) ZONING DISTRICT TO ALLOW VEHICLE-RELATED USES AND OTHER COMPATIBLE USES ON MINIMUM ONE-ACRE LOTS**

Recommendation:

Waive the reading, adopt Ordinance No. 2347, 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.

6. **APPROVE ACQUISITION OF SEWER EASEMENT (TSAI) APN 841-09-061 FOR THE SEWER RELIEF TRUNK LINE PROJECT**

Recommendation:

1. Adopt resolution approving the purchase of a sewer easement (4,046 square feet), APN 841-09-061 for \$50,000 plus escrow and closing costs from Undine Tsai, Trustee, 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.

7. **APPROVE CONTRACTS WITH ANDERSON PACIFIC ENGINEERING CONSTRUCTION AND GOLDEN BAY CONSTRUCTION FOR ON-CALL UNDERGROUND CONSTRUCTION**

Recommendation:

Authorize the City Manager to execute and administer on-call water and sewer repair contracts with Anderson Pacific Engineering Construction with compensation up to \$400,000, and Golden Bay Construction with compensation up to \$400,000.

8. **APPROVE FINAL MAP FOR MANZANITA PARK - TRACT NO. 10585 AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT AND ENCROACHMENT AGREEMENT**

Recommendation:

1. Approve the Final Map;
2. Approve a Subdivision Improvements Agreement with TOLL WEST COAST LLC, a Delaware Limited Liability Company;
3. Approve an Encroachment Agreement with TOLL WEST COAST LLC;
4. Authorize the City Manager to execute the Subdivision Improvements Agreement and Encroachment Agreement; and
5. Authorize the recordation of the Final Map, Subdivision Improvements Agreement, and Encroachment Agreement.

9. APPROVE FINAL MAP FOR SAN SEBASTIAN PHASE 4B - TRACT NO. 10604

Recommendation:

1. Approve the Final Map; and
2. Authorize recordation of the Final Map.

10. APPROVE PARKS AND RECREATION COMMISSION WORK PLAN

Recommendation:

Approve the proposed Parks and Recreation Commission FY 2023-24 Work Plan.

11. APPROVE THE JUNE 21, 2023 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the June 21, 2023 City Council Meeting Minutes.

12. APPROVE UTILITY BOX ART FOR DEPOT STREET AND EAST DUNNE AVENUE

Recommendation:

Approve Utility Box Art for Utility Box Located at Depot Street and East Dunne Avenue.

PUBLIC HEARINGS

13. INTRODUCE ORDINANCE ESTABLISHING CHAPTER 18.29 (MONTEREY CORRIDOR FORM-BASED CODE) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL AND ESTABLISHING THE MONTEREY CORRIDOR FORM-BASED CODE REGULATING PLAN IMPLEMENTING A FORM-BASED CODE ALONG THE MONTEREY ROAD CORRIDOR CREATING A VIBRANT MIXED-USE CORRIDOR THAT ENCOURAGES WALKING AND BIKING AS ENVISIONED WITHIN THE CITY OF MORGAN HILL 2035 GENERAL PLAN

Recommendation:

1. Open/close public hearing;
2. Waive first and second reading of the Ordinance Amendment; and
3. Introduce Ordinance Amendment.

14. ADOPT A RESOLUTION ESTABLISHING CREDIT CARD PAYMENT SERVICE FEES FOR UTILITIES, BUSINESS LICENSES, RECREATION SERVICES, AND ALL OTHER PAYMENTS MADE BY CREDIT CARD

Recommendation:

1. Open/Close public hearing;
2. Adopt a resolution establishing credit card service fees for utilities, business licenses, recreation services, and all other payments made by credit card;
3. Approve an additional 0.50 FTE Accounting Assistant II if the credit card service fee for utilities is established; and
4. Authorize the City Manager to review and adjust the credit service fees annually to offset any potential future increases in bank fees.

OTHER BUSINESS

15. APPROVE DESIGN GUIDELINES FOR VEHICLE DEALERSHIPS

Recommendation:

Approve Design Guidelines for Vehicle Dealerships

16. RECEIVE MONTHLY BUDGET UPDATE; PRELIMINARY FY 22-23 FINANCIAL AND INVESTMENT REPORTS; AND CITY MANAGER AUTHORITY REPORT.

Recommendation:

Accept and file Preliminary Fiscal Year (FY) 2022-2023 Financial and Investment Report and City Manager Authority Report.

17. APPOINT VOTING DELEGATES FOR THE 2023 CALCITIES (LEAGUE) ANNUAL CONFERENCE

Recommendation:

1. Appoint a voting delegate and up to two (2) alternate voting delegates to the CalCities Annual Conference; and
2. Direct the Clerk team to complete and forward the voting delegate form to CalCities.

18. APPROVE AMENDMENTS TO POLICIES NO. 97-01 and 18-04, REMOVING REFERENCES TO THE STANDARD CODE OF PARLIAMENTARY PROCEDURE AND ADOPTING ROSENBERG'S RULES OF ORDER

Recommendation:

Approve amendments to City policies removing references to the Standard Code of Parliamentary Procedure and adopting Rosenberg's Rules of Order for the conduct of City Council and Planning Commission meetings.

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.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to § 54956.9(b): (One Case)
Claim of Sarita Alanis

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

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 and Quality of Life
- 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
- Advocating for Local, Regional, and State Legislative 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 recovering from the global pandemic, and we will continue to have equity, public health, and financial responsibility in mind.

