



**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, September 6, 2023 5:00 PM

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

AMENDED AGENDA - TELECONFERENCE INFORMATION ADDED

TELECONFERENCE

Council Member Yvonne Martinez Beltran will be participating in the City Council meeting via teleconference as follows:

Hotel Pacific
300 Pacific Street
Monterey, Ca 93940

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

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 who 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 p.m. 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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to § 54956.9(b): (one case)

Claim of DeNova Homes re" Builder's Remedy

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 Ryder Kirk and Rohan Wilmot for earning the honored Eagle Scout Award.

The City of Morgan Hill recognizes the Friends of Morgan Hill Senior Center for their outstanding dedication to the Morgan Hill Senior Center.

PROCLAMATIONS

Proclaiming the month of September as National Emergency Preparedness Month

Proclaiming the month of September as National Hispanic and Latinex Heritage Month

Proclaiming the month of September as Suicide Prevention Awareness Month

Proclaiming the month of September as Childhood Cancer Awareness Month

CITY COUNCIL REPORTS

Mayor Turner

CITY MANAGER'S REPORT

New Hire, Promoted, and Retired Employee Recognitions

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 \$30,000 DONATION FROM THE FRIENDS OF MORGAN HILL SENIOR CENTER

Recommendation:

1. Accept a \$30,000 donation from the Friends of the Morgan Hill Senior Center to support services at the Centennial Recreation Senior Center; and
2. Authorize the City Manager to execute any agreements necessary for donation acceptance.

2. **ACCEPT THE GRANT FUNDING FROM CALIFORNIA HIGHWAY PATROL'S CANNABIS TAX FUND GRANT PROGRAM FOR DUI SATURATION PATROLS AND THE PURCHASING OF EQUIPMENT**

Recommendation:

1. Accept the grant funding from the California Highway Patrol's (CHP) Cannabis Tax Fund Grant Program (CTFGP) and adopt a resolution to amend the City's Fiscal Year 2023-24 General Fund budget, accepting grant funding of \$10,144, and appropriating \$10,144, and;
2. Authorize the City Manager to execute the California Highway Patrol's (CHP) Cannabis Tax Fund Grant Program's (CTFGP) agreement.

3. **ACCEPT MORGAN HILL RECTANGULAR RAPID FLASHING BEACON (RRFB) AND HIGH INTENSITY ACTIVATED CROSSWALK BEACON (HAWK) PROJECT IN THE AMOUNT OF \$729,046**

Recommendation:

1. Accept as complete the Morgan Hill Rectangular Rapid Flashing Beacon (RRFB) and High Intensity Activated Crosswalk Beacon (HAWK) 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 ORDINANCE 2348, NEW SERIES, 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:

Waive the reading, adopt Ordinance No. 2348, 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.

5. **ADOPT RESOLUTION AMENDING FISCAL YEAR (FY) 2023-24 COUNTYWIDE SOLID WASTE BUDGET FOR ADMINISTRATIVE SERVICES**

Recommendation:

Adopt resolution appropriating an additional \$95,680 to the City's FY 2023-24 budget in the Countywide Solid Waste Administration Fund (246) and the General Fund (010).

6. APPROVE CONSULTANT AGREEMENT WITH LUHDORFF AND SCALMANINI FOR TWO TEST WELLS

Recommendation:

1. Approve Consultant Agreement for Design Professionals with Luhdorff and Scalmanini Consulting Engineers for a total not to exceed contract amount of \$347,100; and
2. Authorize the City Manager to execute and administer the Consultant Agreement for Design Professionals with Luhdorff and Scalmanini Consulting Engineers.

7. APPROVE SECOND AMENDMENT TO THE AGREEMENT WITH DUKE'S ROOT CONTROL

Recommendation:

Approve and authorize the City Manager to execute a second amendment to the agreement with Duke's Root Control for additional root control treatment for a total agreement not to exceed amount of \$99,185.

8. APPROVE OBJECTIVE DEVELOPMENT STANDARD WAIVERS FOR THE EDES-ALCINI: AFFORDABLE HOUSING PROJECT AT EDES COURT AND MONTEREY ROAD

Recommendation:

Adopt Resolution approving the request for waivers for the Edes-Alcini project.

9. APPROVE THE PURCHASE OF A FIRE APPARATUS FOR THE THIRD FIRE STATION

Recommendation:

1. Approve the purchase of a fire apparatus for the third fire station with Burton's Fire Inc. in the amount of \$949,080 plus a 5% contingency; and
2. Authorize the City Manager to executive and administer the purchase agreement; and
3. Approve a budget amendment to move the approved funding from FY 2024-25 to FY 2023-24; and
4. Authorize an interfund loan to Public Safety Facilities Impact Fund (315) of \$1.0 million from Local Drainage Impact Fund (303).

10. APPROVE THE AUGUST 23, 2023 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the August 23, 2023 City Council Meeting Minutes.

11. APPROVE THE CONSULTANT AGREEMENT WITH CIVICPLUS, LLC FOR CIVICREC ENTERPRISE RECREATION SOFTWARE

Recommendation:

1. Approve the consultant agreement with CivicPlus, LLC in the amount of \$472,886 for CivicRec enterprise recreation software; and
2. Adopt a resolution amending the FY 2023-24 General Fund (Fund 010) Budget to appropriate an additional \$108,942; and
3. Authorize the City Manager to execute and administer the consultant agreement with CivicPlus, LLC.

12. AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GRANITE GOVERNMENT SOLUTIONS FOR CONSOLIDATED TELECOMMUNICATION SERVICES

Recommendation:

1. Authorize the City Manager to enter into an agreement with Granite Government Solutions for consolidated telecommunication services; and
2. Authorize the City Manager to execute and administer the consultant agreement with Granite Government Solutions.

13. AWARD SMART IRRIGATION CONTROLLER SYSTEM CONTRACT TO MEDALLION LANDSCAPE MANAGEMENT, INC.

Recommendation:

1. Award contract to Medallion Landscape Management, Inc. in the amount of \$435,398 for the supply, installation and programming of a Citywide Smart Irrigation Controller System with a 5% contingency not to exceed \$21,770;
2. Authorize the City Manager to execute and administer that certain contract with Medallion Landscape Management, Inc; and
3. Adopt a resolution amending the FY 2023-24 Budget appropriating \$457,168, including \$228,584 from the Water Operations Fund (650) and \$228,584 from the General Fund (010).

PUBLIC HEARINGS

14. ADOPT A CITYWIDE VEHICLE-MILES-TRAVELED (VMT) POLICY INCLUSIVE OF ESTABLISHING VMT AS THE APPROPRIATE METRIC FOR EVALUATING TRANSPORTATION-RELATED IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ESTABLISHING VMT SCREENING CRITERIA, VMT THRESHOLDS OF SIGNIFICANCE, AND TRANSPORTATION DEMAND MANAGEMENT (TDM) STRATEGIES

Recommendation:

1. Open/close public hearing; and
2. Adopt Resolution adopting Screening Criteria and Thresholds of Significance regarding the City's implementation of State Senate Bill 743 (SB 743) transition from Level-of-Service (LOS) to Vehicle-Miles-Traveled (VMT) as the metric for transportation analysis under the California Environmental Quality Act (CEQA) for development projects.

15. ADOPT RESOLUTION AMENDING AND RESTATING THE CITY OF MORGAN HILL'S STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM ("SCIP")

Recommendation:

1. Open and Close Public Hearing; and
2. Adopt amended and restated resolution

OTHER BUSINESS

16. APPROVE CONDITIONAL FUNDING FOR THE MAGNOLIAS AFFORDABLE HOUSING DEVELOPMENT BY FIRST COMMUNITY HOUSING AND EDEN HOUSING (FCH-EDEN) FROM DESIGNATED HOUSING FUNDS

Recommendation:

Approve conditional funding for the FCH-Eden Housing Project, "The Magnolias," in the amount of \$600,000, contingent on FCH-Eden's ability to obtain the remaining gap funds, and subject to an agreement negotiated by the City Attorney.

17. PROVIDE DIRECTION REGARDING CITY COUNCIL TERM LIMITS

Recommendation:

Provide direction to staff regarding the drafting of an ordinance creating term limits that would be submitted to the voters in November 2024.

18. APPROVE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBER AND CONFERENCE ROOMS

Recommendation:

Approve City Council Policy, "Code of Conduct for Public Meetings in the Council Chamber and Conference Rooms"

19. PROVIDE DIRECTION TO STAFF ON PROPOSED FUTURE COUNCIL INITIATED AGENDA ITEMS

Recommendation:

Determine if the majority of the City Council want the following items agendized at a future meeting for discussion:

1. Consider prohibiting pedestrians on median islands; and
2. Consider restoring the use of natural gas in new construction.

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 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.

