



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, October 4, 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 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

5:00 p.m. 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 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Recognizing South Valley Symphony's 50th anniversary

PROCLAMATIONS

Proclamation Recognizing the Festival of Deepavali
Proclaiming September 17-23, 2023 as Constitution Week
Proclaiming October 1, 2023 as Latino Physician Day
Proclaiming October 4, 2023 as Clean Air Day
Proclaiming the month of October 2023 as Dementia and Brain Health Awareness Month

PRESENTATIONS

SVCE Presentation

CITY COUNCIL REPORTS

Council Member Borgioli

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. **ADOPT RESOLUTION DECLARING THE SECOND MONDAY IN OCTOBER EACH YEAR AS INDIGENOUS PEOPLES' DAY**

Recommendation:

Adopt resolution declaring the second Monday in October of each year as Indigenous Peoples' Day.

2. **APPROVE AND ADOPT A RESOLUTION DECLARING THE SUMMARY VACATION OF A PORTION OF DEPOT STREET RIGHT-OF-WAY, ESTABLISHING NEW DEPOT STREET RIGHT-OF-WAY, AND ADDING A PUBLIC UTILITY EASEMENT AT THE MORGAN HILL COMMUNITY AND CULTURAL CENTER (CCC)**

Recommendation:

1. Adopt a Resolution declaring the Summary Vacation of a portion of Depot Street right-of-way, from approximately 340 feet south of East 5th Street to East Dunne Avenue;
2. Approve the establishment of a Public Street Right-of-Way over the realigned portion of Depot Street;
3. Approve a Grant of Public Utility Easement along the southern portion of the Community and Cultural Center (CCC) that is parallel and adjacent to the area of Depot Street proposed to be vacated;
4. Approve the inclusion of the above Depot Street Public Street Right-of-Way and Grant of Public Utility Easement actions in the Summary Vacation Resolution;
5. Direct the City Clerk to file a certified copy of the Resolution in the Office of the Recorder of Santa Clara County; and
6. Authorize the City Manager to sign a Quitclaim Deed of the vacated portion of Depot Street and a separate Grant of Public Utility Easement

on behalf of the City and direct the City Clerk to file in the Office of the Recorder of Santa Clara County.

3. **APPROVE A THREE-YEAR MAINTENANCE SERVICE AGREEMENT WITH HB RESTORATION, INC. FOR WELL SITE AND BOOSTER STATION PAINTING**

Recommendation:

1. Award a Maintenance Service Agreement to HB Restoration, Inc. in the not-to-exceed amount of \$180,000 for annual painting of the City's well sites and booster stations; and
2. Authorize the City Manager to execute and administer a three-year agreement with HB Restoration, Inc.

4. **APPROVE HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) MAINTENANCE SERVICE AGREEMENT**

Recommendation:

1. Award a Maintenance Service Agreement to Environmental Systems, Inc. in the total amount of \$662,944 for preventative HVAC maintenance (\$62,944) and repair services (not-to-exceed \$600,000) for a two-year period; and
2. Authorize the City Manager to execute and administer that certain Maintenance Service Agreement with Environmental Systems, Inc.

5. **APPROVE THE SEPTEMBER 6, 2023 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the September 6, 2023 City Council Meeting Minutes.

6. **ADOPT RESOLUTION OF INTENTION TO RENEW THE MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT**

Recommendation:

Adopt Resolution of Intention to Renew the Morgan Hill Tourism Business Improvement District (TBID).

7. **AWARD COMMUNITY PARK PICKLEBALL COURTS PROJECT TO EF&S CONCRETE, INC.**

Recommendation:

1. Approve Community Park Pickleball Courts plans and specifications;
2. Award contract to EF&S Concrete, Inc. in the amount of \$307,120;

3. Authorize expenditure of construction contingency funds not-to-exceed \$61,424; and
4. Authorize the City Manager to execute and administer the construction contract with EF&S Concrete, Inc.

8. **APPROVE SUBORDINATION AGREEMENT FOR CITY OPEN SPACE EASEMENT WITH THE SANTA CLARA VALLEY HABITAT AGENCY**

Recommendation:

Authorize the City Manager to execute a subordination agreement for a City Open Space Easement with the Santa Clara Valley Habitat Agency.

9. **CARRYING A CONCEALED WEAPON LICENSE UPDATE**

Recommendation:

Accept report.

10. **SECOND AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT WITH HARRIS & ASSOCIATES, INC. FOR ON-CALL ENGINEERING PLAN REVIEW AND TECHNICAL SUPPORT SERVICES FOR LAND DEVELOPMENT ENGINEERING**

Recommendation:

1. Approve the Second Amendment to the professional service agreement with Harris & Associates, Inc. for on-call engineering plan review and technical support services for Land Development Engineering to add \$180,000 to contract amount for a total not-to-exceed amount of \$631,000 with the term of the agreement unchanged; and
2. Authorize the City Manager to execute the Second Amendment.

OTHER BUSINESS

11. **ACCEPT MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT (MHTBID) OWNERS ASSOCIATION ANNUAL REPORT (DBA VISIT MORGAN HILL)**

Recommendation:

Accept and file the Visit Morgan Hill Annual Report.

12. **APPROVE OR DENY COMMUNITY FUNDING REQUESTS FOR DIA DE LOS MUERTOS AND HOLIDAY POSADA EVENTS**

Recommendation:

The City Council may approve or deny the requests.

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.

