



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, November 15, 2023 6:00 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 view 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 view the meetings remotely may do so by joining virtually at: <https://bit.ly/MHCityCouncilMeeting>, by calling (669) 900-9128, then enter the webinar id: 873 3200 8380# or on our website at <https://www.morganhill.ca.gov/2101/Agendas-Minutes>.

Public comment may only be provided in the following ways:

- In-person at the City Council Meeting;
- In writing
 - o Via email to ccpubliccomment@morganhill.ca.gov; or
 - o Hard copy hand delivered 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. It is recommended that you do not include any personal information that 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

PROCLAMATIONS

Proclaiming the month of November as Morgan Hill Community Philanthropy Month

PRESENTATIONS

YAC Presentation

CITY COUNCIL REPORTS

Council Member 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.

1. **ACCEPT DONATION OF UP TO \$20,000 FOR INSTALLATION OF IMPROVEMENTS AT COMMUNITY PARK FROM THE ROTARY CLUB OF MORGAN HILL**

Recommendation:

Authorize the City Manager to accept a donation of funding and services valued up to \$20,000 for the installation of new pathways, trees, tables, landscaping and associated improvements.

2. **APPROVE AMENDMENT TO ON-CALL WATER AND SEWER REPAIR CONTRACT WITH GOLDEN BAY CONSTRUCTION**

Recommendation:

Authorize the City Manager to execute an amendment to the on-call water and sewer repair contract with Golden Bay Construction with compensation up to \$750,000.

3. **APPROVE PUBLIC IMPROVEMENTS FINANCING AGREEMENT WITH ADVENT LUTHERAN CHURCH OF MORGAN HILL**

Recommendation:

1. Approve a Public Improvements Financing Agreement with Advent Lutheran Church of Morgan Hill; and
2. Authorize the City Manager to execute, administer and further negotiate the Financing Agreement as necessary.

4. **APPROVE A REIMBURSEMENT AGREEMENT WITH NORDSTROM CAL HOMES, LLC FOR OUT-OF-TRACT PUBLIC IMPROVEMENTS ADJACENT TO THE DUNNE MURPHY SUBDIVISION (TRACT NO. 10387)**

Recommendation:

1. Approve a Reimbursement Agreement with NORDSTROM CAL HOMES, LLC;
2. Authorize the City Manager to execute the Reimbursement Agreement; and
3. Adopt a resolution to amend FY 2023-24 budget to appropriate \$305,748 in the Traffic Impact Fund (309).

5. **APPROVE CONSULTANT AGREEMENT WITH IMS INFRASTRUCTURE MANAGEMENT SERVICES, LP FOR SIDEWALK ASSESSMENT IN THE AMOUNT OF \$156,950**

Recommendation:

1. Approve and authorize the City Manager to execute a consultant agreement with IMS Infrastructure Management Services in the amount of \$156,950 for the completion of a sidewalk and curb ramp assessment; and
2. Adopt a resolution to amend the FY 2023-24 budget to appropriate \$156,950 in the Public Facilities Fund (346).

6. **APPROVE MEMORANDUM OF UNDERSTANDING (MOU) WITH MORGAN HILL POLICE OFFICERS' ASSOCIATION (POA), MOU WITH COMMUNITY SERVICE OFFICERS' ASSOCIATION (CSOA) AND MOU WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) AND CORRESPONDING SALARY SCHEDULES; AND APPROVE MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION, ELECTED OFFICIALS AND COUNCIL APPOINTED AND PART-TIME TEMPORARY AND SEASONAL EMPLOYEES SALARY SCHEDULES**

Recommendation:

1. Approve a Memorandum of Understanding (MOU) with POA effective December 24, 2023 - December 31, 2025 and corresponding salary schedules;
2. Approve a MOU with CSOA effective December 24, 2023 - December 31, 2025 and corresponding salary schedules;
3. Approve a MOU with AFSCME effective December 24, 2023 - December 31, 2025 and corresponding salary schedules pending ratification;
4. Approve the Management, Professional, and Confidential Employees Resolution effective December 24, 2023 and corresponding salary schedules;
5. Approve the Part-Time Temporary and Seasonal Employees salary schedule effective December 24, 2023;
6. Approve the Elected Officials and Council Appointed salary schedules; and
7. Receive update regarding the salaries of the Elected Officials and potential future amendment of Sections 2.04.020 Salary of Council Members and 2.04.030 Salary of the Mayor of the Chapter 2.04 City Council of the Municipal Code of the City of Morgan Hill.

7. APPROVE SECOND AMENDMENT TO MISSION LINEN SUPPLY SERVICE AGREEMENT

Recommendation:

1. Approve the Second Amendment to the Service Agreement with Mission Linen Supply for a fourth year of services for \$20,000, for a total contract amount of \$80,000; and
2. Authorize the City Manager to execute and administer one additional one-year extension of the Service Agreement subject to future budget appropriations.

8. APPROVE THE NOVEMBER 1, 2023 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

9. APPROVE THE 2024 CITY COUNCIL MEETING SCHEDULE

Recommendation:

Review, discuss, if needed, amend, and approve the 2024 City Council meeting schedule.

10. RECEIVE REPORT REGARDING UPCOMING 2024 COMMISSION VACANCIES PER MADDY ACT

Recommendation:
Receive report.

PUBLIC HEARINGS

11. AFFIRM OR MODIFY PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT AND DESIGN PERMIT TO ALLOW AN APPROXIMATELY 5,000 SQUARE FOOT DRIVE-THROUGH RESTAURANT (CHICK-FIL-A) ON A 1.82 ACRE SITE AT SUTTER AND COCHRANE

Recommendation:

1. Open/close public hearing; and
2. Adopt a resolution affirming the decision of the Planning Commission to adopt Resolution No. 23-08 approving the Conditional Use Permit and Resolution No. 23-09 approving the Design Permit.

12. ADOPT AMENDMENT TO THE MORGAN HILL MUNICIPAL CODE TO CREATE A VEHICLE SALES OVERLAY ZONE (-VS) AT COCHRANE AND US 101

Recommendation:

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

OTHER BUSINESS

13. RECEIVE UPDATE AND PROVIDE INPUT ON THE TRANSPORTATION MASTER PLAN

Recommendation:

1. Receive an update on the Transportation Master Plan; and
2. Provide input to the project team.

14. PROVIDE DIRECTION REGARDING POTENTIAL MUNICIPAL CODE TEXT AMENDMENTS TO THE CITY OF MORGAN HILL'S AMUSEMENT & ENTERTAINMENT AND NOISE ORDINANCES

Recommendation:

Provide Strategic Direction for amending the identified chapters of the Municipal Code.

15. DIRECT THE CITY MANAGER TO NEGOTIATE AGRO-TOURISM USE ON CITY-OWNED AGRICULTURAL PROPERTY WITH TERRA AMICO, INC.

Recommendation:

Authorize the City Manager to negotiate an agreement for agro-tourism development on City-owned property located at the southeast corner of Highway 101 and Tennant Avenue with Terra Amico, Inc.

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

Recommendation:

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

1. Consider providing more lead time for posting City Council agendas;
2. Consider a discussion on the Agricultural Mitigation Policy 18.152.050 - Mitigation ratio;
3. Consider a discussion on potential funding mechanisms for public art;
4. Consider revisiting City Council Policy 21-02, City Council Funding Requests; and
5. Consider a discussion on options for providing public comment and the transparency of remote meeting participants.

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 request an item on the agenda for a future City Council meeting. 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.

