



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, December 6, 2023 5:30 PM

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

AMENDED AGENDA

Council Member Gino Borgioli will be participating remotely as follows:
2500 Grant Road
Mountain View, Ca

Public comment shall be allowed from this location.

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.

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 5:30 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

5:30 p.m. Closed Session

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to
§ 54956.9(b): (Two Cases)

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

REGULAR MEETING

6:00 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC Presentation

CITY COUNCIL REPORTS

Council Member Spring

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 THE ANNUAL SENATE BILL (SB) 165 REPORT FOR COMMUNITY FACILITIES DISTRICT NO. 2014-1 (FISHER CREEK)**

Recommendation:

Accept and file the report.

2. **ACCEPT THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2023**

Recommendation:

Accept the City's Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2023.

3. **ADOPT RESOLUTION APPROVING AND MAKING FINDINGS RELATED TO THE ASSEMBLY BILL (AB) 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR 2022-23**

Recommendation:

1. Adopt resolution making findings for unexpended development impact fees; and
2. Accept the annual development impact fee report.

4. **ADOPT RESOLUTION AND ADOPT ORDINANCE 2349, NEW SERIES, ADDING CHAPTER 3.26 ("TOURISM BUSINESS IMPROVEMENT DISTRICT") TO TITLE 3 ("REVENUE AND FINANCE") OF THE MORGAN HILL MUNICIPAL CODE ESTABLISHING AND RENEWING THE MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT**

Recommendation:

1. Adopt resolution; and
2. Waive the reading, adopt Ordinance No. 2349, 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 ORDINANCE 2350, NEW SERIES, ADDING SECTION 18.30.070 (VEHICLE SALES OVERLAY ZONE (-VS)) OF CHAPTER 18.30 (OVERLAY ZONES AND COMBINING DISTRICTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING THE VEHICLE SALES OVERLAY ZONE (-VS) TO ALLOW VEHICLE- RELATED**

USES AND OTHER COMPATIBLE USES IN DIFFERENT PARTS OF THE CITY THAT CAN SUPPORT SUCH A USE

Recommendation:

Waive the reading, adopt Ordinance No. 2350, 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. ADOPT RESOLUTION CERTIFYING COMPLIANCE WITH STATE HOUSING LAWS IN ORDER TO RECEIVE \$3,921,000 IN ONE BAY AREA GRANT CYCLE 3 (OBAG 3) FUNDING FOR THE MONTEREY ROAD TRAFFIC, BICYCLE, AND PEDESTRIAN IMPROVEMENTS PROJECT

Recommendation:

Adopt a resolution for self-certifying compliance with State housing laws that is required for receiving One Bay Area Grant Cycle 3 (OBAG 3) funding for the Monterey Road Traffic, Bicycle, and Pedestrian Improvements Project

7. ADOPT RESOLUTION JOINING BUILD THE FUTURE SANTA CLARA COUNTY

Recommendation:

Adopt resolution joining Build the Future Santa Clara County in advocating for comprehensive and collaborative solutions to solve the child care crisis.

8. ADOPT WEED ABATEMENT RESOLUTION, EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15304(I)

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing for February 21, 2024.

9. ADOPT RESOLUTION AUTHORIZING CALIFORNIA CLIMATE INVESTMENTS - DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) FIRE PREVENTION GRANT APPLICATION

Recommendation:

Adopt a resolution authorizing a grant application to the California Department of Forestry and Fire Protection and authorizing the City Manager to execute associated grant documents.

10. APPROVE A THREE-YEAR SERVICE AGREEMENT WITH ALPHA ANALYTICAL LABORATORIES, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$225,000 FOR WATER LABORATORY TESTING AND ANALYSIS SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer a three-year service agreement for a not-to-exceed amount of \$225,000 with Alpha Analytical Laboratories, Inc., for water laboratory testing and analysis services.

11. APPROVE CONTRACT WITH SCS ENGINEERS FOR COMPLETION OF A FOOD WASTE PREVENTION STUDY IN THE AMOUNT OF \$111,538

Recommendation:

Authorize the City Manager to enter into an agreement with SCS Engineers for completion of a Food Waste Prevention Study.

12. APPROVE FIRST AMENDMENT TO THE TUCKER CONSTRUCTION ON-CALL FENCING CONTRACT, AND AUTHORIZE CITY MANAGER TO EXTEND CONTRACT UP TO TWO YEARS

Recommendation:

1. Approve the first amendment to the on-call contract for public works projects with Tucker Construction, Inc. for an additional year of services for \$150,000, for a total contract amount of \$250,000; and
2. Authorize the City Manager to execute and administer two additional one-year extensions of the on-call contract in annual amounts that would not increase the price of the contract for the immediately preceding year by more than five (5%) annually.

13. APPROVE JOINT POWERS AGREEMENT FOR ENACTMENT OF THE CITIES ASSOCIATION OF SANTA CLARA COUNTY, JOINT POWERS AUTHORITY (CASCC JPA)

Recommendation:

1. Approve the proposed Joint Powers Agreement;
2. Authorize Mayor Turner or his alternate, Councilmember Librers, to report approval of the Agreement to the CASCC Board of Directors; and
3. Authorize the City Manager to execute the Agreement.

14. APPROVE SIXTH AMENDMENT TO DESIGN SERVICES AGREEMENT WITH HYDROSCIENCE ENGINEERS, INC. FOR THE NEW SEWER TRUNK LINE PROJECT FOR AN ADDITIONAL AMOUNT OF \$280,246

Recommendation:

1. Approve Sixth Amendment to Service Agreement for Design Professionals with HydroScience Engineers, Inc. to provide additional services for the New Sewer Trunk Line to Gilroy project for an additional \$280,246, for a total not-to-exceed amount of \$2,059,956; and
2. Authorize the City Manager to execute and administer the amended services agreement.

15. APPROVE THE NOVEMBER 15, 2023 CITY COUNCIL MEETING MINUTES

Recommendation:
Approve Minutes.

16. **AUTHORIZE THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH CADENCE TEAM FOR THE NETWORK EQUIPMENT IN THE NOT-TO-EXCEED AMOUNT OF \$242,241, INCLUDING CONTINGENCY**

Recommendation:

Authorize the City Manager to execute a purchase agreement for network equipment with Cadence Team in the amount of \$242,241, including a 10% contingency of \$22,022.

17. **AWARD AND APPROVE AN AGREEMENT WITH IRISH EXCAVATION IN THE AMOUNT OF \$74,780 FOR CONSTRUCTION OF THE WOODLAND BOOSTER STATION RETAINING WALLS**

Recommendation:

Approve and authorize the City Manager to execute and administer an agreement with Irish Excavation in the amount of \$74,780 to install two retaining walls at the Woodland Booster Station.

18. **AWARD A TWO-YEAR LANDSCAPE MAINTENANCE AGREEMENT TO MEDALLION LANDSCAPE MANAGEMENT, LLC IN THE AMOUNT OF \$371,712 FOR CITY FACILITIES AND ASSESSMENT DISTRICTS**

Recommendation:

1. Award a two-year contract to Medallion Landscape Management, LLC in the amount of \$371,712 to service Group 2 - City Facilities, Group 4 - Landscape Assessment Districts, including an extra services allocation of \$30,000 per year; and
2. Authorize the City Manager to execute and administer the Maintenance Service Agreement with Medallion Landscape Management, LLC. and to extend the agreement for up to three (3) additional one-year terms.

19. **RECEIVE MONTHLY BUDGET UPDATE AND OCTOBER 2023 FINANCIAL AND INVESTMENT REPORTS**

Recommendation:

Accept and file report.

OTHER BUSINESS

20. **REVIEW SECTION 15.63 OF THE MUNICIPAL CODE AND PROVIDE DIRECTION REGARDING THE PROHIBITION OF NATURAL GAS INFRASTRUCTURE IN NEW BUILDINGS**

Recommendation:

1. Review Section 15.63 of the Municipal Code and discuss the prohibition of natural gas infrastructure in new buildings; and
2. Take no action to amend Section 15.63 of the Municipal Code, which prohibits natural gas infrastructure in new buildings.

21. PROVIDE DIRECTION REGARDING THE KEEPING OF ROOSTERS WITHIN CITY LIMITS

Recommendation:

Provide direction regarding whether to prohibit the keeping of roosters within the City of Morgan Hill.

22. PROVIDE DIRECTION TO STAFF ON WHETHER TO ALLOW PUBLIC COMMENT ON ZOOM

Recommendation:

Provide direction to staff on whether to allow public comment on Zoom.

23. SELECT AND APPOINT CITY COUNCIL MAYOR PRO TEMPORE

Recommendation:

1. Open floor to nomination(s) for Mayor Pro Tempore; and
2. Select a Council Member to serve as Mayor Pro Tempore per City Council Policy 99-01.

24. 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;
5. Consider a discussion on special event security requirements;
6. Consider revisiting the Economic Development Blueprint; and
7. Consider a discussion on imposing a Commercial Vacancy Tax.

PUBLIC HEARINGS

25. INTRODUCE ORDINANCE AMENDING 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

Recommendation:

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

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.

