



CITY OF MORGAN HILL

Special/Regular Meeting Agenda

City Council

Mark Turner - Mayor
Marilyn Librers - Mayor Pro Tem
Gino Borgioli - Council Member
Rene Spring - Council Member
Yvonne Martínez Beltrán - Council Member

Wednesday, February 21, 2024 5:00 PM

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

AMENDED AGENDA - This agenda has been amended to remove remote participation.

Council Member Yvonne Marinez Beltran will be participating remotely as follows:-

~~Residence Inn by Marriott Sacramento Downtown at Capitol Park~~
~~1121 15th St~~
~~Sacramento, CA 95814~~

~~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. Please be advised that communications directed to the City Council are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions and will be printed/posted as submitted.

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.

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 Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to § 54956.9(b): (1 Case)

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

REGULAR MEETING

6:00 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC Presentation
Habitat Plan Amendment

RECOGNITIONS

Recognizing the 2023 STEM winner

PROCLAMATIONS

Proclaiming the month of February as Black History Month
Proclaiming February 7, 2024 as National Girls and Women in Sports Day

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)

Public Comment Supplement

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. ACCEPTANCE OF 2023 PAVEMENT REHABILITATION PROJECT IN THE AMOUNT OF \$4,009,627

Recommendation:

1. Accept as complete the 2023 Pavement Rehabilitation 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. **ACCEPTANCE OF JACKSON OAKS WATER MAIN PROJECT IN THE AMOUNT OF \$642,338**

Recommendation:

1. Accept as complete the Jackson Oaks Water Main 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.

3. **ACCEPT DONATION OF UP TO \$7,000 FOR TREES FOR IMPROVEMENTS AT COMMUNITY PARK FROM GOOGLE**

Recommendation:

Authorize the City Manager to accept a donation of trees valued up to \$7,000 for Community Park improvements.

4. **ADOPT RESOLUTION APPROVING A FUNDS TRANSFER AGREEMENT (FTA) WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR GRADE SEPARATIONS AND DIRECT THE CITY MANAGER TO NEGOTIATE A CONSULTANT AGREEMENT WITH BIGGS CARDOSA ASSOCIATES, INC. FOR AN AMOUNT NOT TO EXCEED \$1 MILLION FOR THE COMPLETION OF DESIGN AND ENGINEERING WORK FOR GRADE SEPARATIONS FOR DUNNE AVENUE AND DOWNTOWN CALTRAIN STATION PEDESTRIAN CROSSING**

Recommendation:

1. Adopt resolution approving a Funds Transfer Agreement with California Department of Transportation to fund design and engineering work for grade separations for Dunne Avenue and for the Downtown Caltrain Station pedestrian crossing;
2. Designate the City Manager as the person authorized to execute Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements, and any amendments thereto with the California Department of Transportation; and
3. Direct the City Manager to negotiate a consultant agreement with Biggs Cardosa Associates, Inc. for an amount not to exceed \$1 million for the completion of design and engineering work for grade separations for Dunne Avenue and for the Downtown Caltrain Station pedestrian crossing.

5. **ADOPT RESOLUTION OF INTENT TO HOLD SPECIAL BALLOT PROCEEDING FOR SPARHAWK SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1**

Recommendation:

Adopt resolution declaring intent and authorizing special ballot proceeding required to increase the maximum assessment rate for the Sparhawk subarea of the City's Landscape Assessment District Number 1, effective Fiscal Year (FY) 2024-25.

6. **ADOPT UPDATES TO THE SUSTAINABLE MORGAN HILL DOCUMENT**

Recommendation:

Adopt updates to the Sustainable Morgan Hill document.

7. **APPROVE CONTRACT AMENDMENTS FOR CITY ON-CALL PLUMBING CONTRACTORS**

Recommendation:

1. Authorize the City Manager to execute a fourth amendment to the agreement with Burr Plumbing extending the term of the contract to June 30, 2025 and increasing the maximum compensation to \$307,625; and
2. Authorize the City Manager to execute a fourth amendment to the agreement with Century Commercial Service, Inc. extending the term of the contract to June 30, 2025.

8. **APPROVE PACIFIC GAS AND ELECTRIC COMPANY AGREEMENT TO PROVIDE ELECTRIC SERVICE TO THE BUTTERFIELD FIRE STATION PROJECT**

Recommendation:

1. Ratify approval of the Pacific Gas and Electric Company Agreement to provide electric service to the Butterfield Fire Station Project; and
2. Authorize the City Manager to administer and execute the Pacific Gas and Electric Company Agreement in the amount of \$161,921.

9. **APPROVE REVISIONS TO CITY COUNCIL POLICY CP 94-04, THE CITY'S INVESTMENT POLICY**

Recommendation:

Approve revisions to City Council Policy CP 94-04, the City's Investment Policy.

10. **APPROVE THE JANUARY 17, 2024 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve minutes.

11. **AWARD THE POLICE DEPARTMENT EXPANSION PROJECT TO JAHN PLUMBING, INC. IN THE AMOUNT OF \$229,221 AND THE CONTINGENCY NOT TO EXCEED \$22,922**

Recommendation:

1. Award the Police Department Expansion Project to Jahn Plumbing, Inc. in the amount of \$229,221; and authorize the expenditure of contingency funds not to exceed \$22,922; and
2. Authorize the City Manager to execute and administer that certain construction contract with Jahn Plumbing, Inc.

12. AWARD MADRONE CHANNEL TRAIL IMPROVEMENTS PHASE II PROJECT TO BEALS MARTIN AND ASSOCIATES, INC. IN THE AMOUNT OF \$497,327 AND A CONTINGENCY NOT TO EXCEED \$49,733, AND ADOPT RESOLUTION AMENDING THE FISCAL YEAR 2023-24 BUDGET TO RECOGNIZE \$335,000 AS GRANT REVENUE AND APPROPRIATE AN ADDITIONAL \$190,000 IN THE PARK IMPACT FUND (301) , FOR THE MADRONE CHANNEL TRAIL IMPROVEMENTS PHASE II PROJECT

Recommendation:

1. Adopt resolution amending the Fiscal Year 2023-24 Budget to recognize \$335,000 as grant revenue and appropriate an additional \$190,000 in the Park Impact Fund (301), for the Madrone Channel Trail Improvements Phase II Project;
2. Approve the Madrone Channel Trail Improvements Phase II Project Plans and Specifications;
3. Award contract to Beals Martin and Associates, Inc. for the Madrone Channel Trail Improvements Phase II Project in the amount of \$497,327;
4. Authorize expenditure of construction contingency funds not to exceed \$49,733; and
5. Authorize the City Manager to execute and administer the construction contract with Beals Martin and Associates, Inc.

13. RECEIVE ANNUAL REPORT ON 2023 CITY ENGINEER ACCEPTANCES OF PUBLIC IMPROVEMENTS COMPLETED BY PRIVATE DEVELOPMENT PROJECTS

Recommendation:

Accept and file Annual Report on 2023 City Engineer acceptances of public improvements completed by private development projects.

PUBLIC HEARINGS

14. ADOPT RESOLUTION APPROVING COMMENCEMENT OF 2024 WEED ABATEMENT PROGRAM

Recommendation:

1. Open/Close public hearing; and
2. Adopt a resolution authorizing Santa Clara County to commence hazardous vegetation abatement activities.

OTHER BUSINESS

15. **ADOPT RESOLUTIONS CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024; PLACING A MEASURE ON THE BALLOT TO ENACT A TWELVE CONSECUTIVE YEAR LIMIT ON COMBINED MAYORAL AND CITY COUNCIL SERVICE; PLACING A MEASURE ON THE BALLOT TO AMEND THE CURRENT TWO-YEAR MAYORAL TERM TO A FOUR-YEAR TERM; AND PROVIDE DIRECTION REGARDING TERM LIMITS FOR CITY BOARDS AND COMMISSIONS.**

Recommendation:

1. Adopt Resolution A calling for a General Municipal Election to be held on Tuesday, November 5, 2024, to elect a Mayor, one Council Member from District A, one Council Member from District C, and the City Treasurer;
2. Adopt Resolution B requesting the services of the Board of Supervisors of the County of Santa Clara and the Registrar of Voters Office - and the Consolidation of the Election;
3. Adopt Resolution C placing a measure on the ballot to enact a twelve consecutive year limit on combined Mayoral and City Council service;
4. Adopt Resolution D placing a measure on the ballot to amend the current two-year Mayoral Term to a four-year term; and
5. Provide direction regarding term limits for boards and commissions.

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.

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.

