



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, April 24, 2024 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 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 Library, Culture, and Arts Commission and Parks and Recreation Commission interviews.

SPECIAL MEETING

5:00 p.m. - Library, Culture, and Arts Commission and Parks and Recreation Commission interviews

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

COMMISSION INTERVIEWS

1. **REAPPOINTMENT OF THREE (3) COMMISSIONERS ON THE LIBRARY, CULTURE AND ARTS COMMISSION (LCAC) AND ONE (1) COMMISSIONER ON THE PARKS AND RECREATION COMMISSION (PRC) AND INTERVIEW CANDIDATES TO FILL THE REMAINING TWO (2) SEATS ON THE LIBRARY, CULTURE, AND ARTS COMMISSION AND REMAINING TWO (2) SEATS ON THE PARKS AND RECREATION COMMISSION**

Recommendation:

1. Reappointment of Commissioners Suman Ganapathy, Amanda Santiago, and Jake Thompson to the Library, Culture, and Arts Commission with terms ending April 1, 2028;
2. Appointment of Commissioner Poonam Chabra to the Parks and Recreation Commission (currently on LCAC) with a term ending April 1, 2028;
3. Mayor shares the characteristics/traits that a successful applicant(s) would possess;
4. Conduct Interviews;
5. Council Members identify the top applicant(s) and provide recommendations to the Mayor; and
6. Discuss and/or appoint applicant(s).

REGULAR MEETING

6:00 p.m.

PRESENTATIONS

YAC Presentation

RECOGNITIONS

Recognizing Alban Diaz for his 18 years of serving the Youth of Morgan Hill

PROCLAMATIONS

Proclaiming the month of March as Endometriosis Awareness Month

Proclaiming the month of March as Red Cross Month

Proclaiming April 22, 2024 as Earth Day

Proclaiming April 14-24, 2024 as Public Safety Telecommunicators Week

Proclaiming the month of May as Older Americans Month

Proclaiming the month of May as Water Safety Month

CITY COUNCIL REPORTS

Mayor Pro Tem 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.

2. **ADOPT ORDINANCE 2352, NEW SERIES, AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING THE CITY OF MORGAN HILL 2023-2031 HOUSING ELEMENT; UPDATES TO ELECTRIC VEHICLE CHARGING PROVISIONS TO PROVIDE CONSISTENCY WITH CHAPTER 15.62 (ELECTRIC VEHICLE CHARGING INFRASTRUCTURE); UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 894; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES**

Recommendation:

Waive the reading, adopt Ordinance No. 2352, 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.

3. **APPROVE A CONSULTANT AGREEMENT WITH SAN JOSE CONSERVATION CORPS FOR RECYCLING AND REUSE HOTLINE AND WEBSITE ADMINISTRATION PROJECT IN THE AMOUNT OF \$544,400**

Recommendation:

1. Approve a contract with San Jose Conservation Corps for \$544,400 to provide Recycling and Reuse Hotline and Website Administration Services with \$4,400 allocated to FY 2023-24, and \$180,000 allocated annually thereafter through FY 2026-27, contingent on approval of the annual funds by the Recycling and Waste Reduction Commission; and
2. Authorize the City Manager to execute and administer the consultant agreement with San Jose Conservation Corp, and to enter into up to two one-year extensions of the contract; and
3. Adopt a Resolution appropriating an additional \$4,400 to the City's Countywide Solid Waste Program for FY 2023-24 (Fund 246).

4. **APPROVE FIRST AMENDMENT TO ENVIRONMENTAL SYSTEMS, INC. HVAC MAINTENANCE SERVICES AGREEMENT**

Recommendation:

1. Approve the First Amendment to the maintenance services agreement with Environmental Services, Inc. (ESI) to increase the amount by \$600,000 for a total agreement amount of \$1,262,944.
2. Authorize the City Manager to execute and administer the first amendment with Environmental Services, Inc.

5. APPROVE FIRST AMENDMENT TO THE WEST COAST ARBORISTS, INC. MAINTENANCE SERVICES AGREEMENT

Recommendation:

1. Approve the first amendment to the maintenance services agreement with West Coast Arborists, Inc. to increase the amount by \$200,000 for a total agreement amount of \$852,000; and
2. Authorize the City Manager to execute and administer the first amendment with West Coast Arborists, Inc.

6. APPROVE AN AGREEMENT WITH SOLUTIONZ, INC. FOR THE PURCHASE AND INSTALLATION OF THE COUNCIL CHAMBER AUDIO/ VISUAL EQUIPMENT REPLACEMENT AND UPGRADES IN THE AMOUNT OF \$465,103 AND A 10% CONTINGENCY NOT TO EXCEED \$46,510

Recommendation:

1. Approve an agreement with Solutionz, Inc. for Council Chamber Audio/Visual Equipment Replacement and Upgrades in the amount of \$465,103 and a 10% contingency not to exceed \$46,510;
2. Authorize the City Manager to execute and administer the consultant agreement with Solutionz, Inc.; and
3. Adopt resolution amending the FY 2023-24 Information Systems Fund (Fund 730) Budget to appropriate \$256,612.

7. APPROVE THE 2023 MILITARY EQUIPMENT USE REPORT AND PURCHASE OF A LENCO BEARCAT AND FIVE COLT CARBINE RIFLES

Recommendation:

1. Approve 2023 Military Equipment Use Report and approve the continued use of military equipment contained in the report;
2. Authorize the purchase of one Lenco BearCat from Lenco Industries, Inc. dba in an amount not to exceed \$410,000;
3. Authorize the purchase of five Colt Carbine Rifles in an amount not to exceed \$9,000;

4. Authorize the City Manager to execute the purchase agreement with Lenco Industries, Inc. dba.;
5. Adopt resolution to amend the FY23-24 Budget to appropriate \$127,000 to the Vehicle Replacement Fund (790); and
6. Amend Morgan Hill Police Department Policy 709 (Military Equipment) to include the five additional patrol rifles.

8. **APPROVE THE PURCHASE OF CLA-VALVE REPAIR AND REBUILD KITS IN THE AMOUNT OF \$103,718 FROM ICONIX WATERWORKS**

Recommendation:

Approve and authorize the City Manager to execute a purchase order to Iconix Waterworks in the amount of \$103,718 for the purchase of Cla-Valve repair and rebuild kits for repairs to the City's water infrastructure.

9. **APPROVE THE MARCH 6, 2024 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve minutes.

10. **AWARD CONDIT SEWER CAPACITY UPGRADE PROJECT TO SUBTERRA CONSTRUCTION, INC. IN THE AMOUNT OF \$1,824,097**

Recommendation:

1. Approve the Condit Sewer Capacity Upgrade Project Plans and Specification;
2. Award contract to SubTerra Construction Inc. for the Condit Sewer Capacity Upgrade Project in the amount of \$1,824,097;
3. Authorize expenditure of construction contingency funds not to exceed \$364,820; and
4. Authorize the City Manager to execute and administer the construction contract with SubTerra Construction, Inc.

11. **INITIATE ANNUAL ASSESSMENT PROCESS FOR LANDSCAPE ASSESSMENT DISTRICT NUMBER 1**

Recommendation:

1. Initiate the proceedings for the levy of assessments for Fiscal Year 2024-25;
2. Approve the Engineer's Annual Report and the proposed assessment levy; and
3. Declare the City Council's intention to levy the assessments in the District and to set the Public Hearing date for June 5, 2024.

PUBLIC HEARINGS

12. HOLD PUBLIC HEARING AND TABULATE BALLOTS FOR SPARHAWK SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

1. Open public hearing;
2. Accept public input on ballot proceeding;
3. Announce close of public hearing is pending – Any property owner wishing to withdraw or submit their ballot must do so now;
4. Close public hearing;
5. Take a five minute recess for ballot tabulation;
6. Accept verbal report from the City Clerk on Sparhawk ballot tabulation results; and
7. Adopt Resolution A or B certifying the Sparhawk ballot proceeding results.

13. APPROVE SOLID WASTE MANAGEMENT RATE ADJUSTMENT FOR 2024

Recommendation:

Adopt resolution approving an adjustment in the maximum allowable solid waste charges effective July 1, 2024.

OTHER BUSINESS

14. ADOPT ORDINANCE NO. 2353, NEW SERIES, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF MORGAN HILL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Recommendation:

Waive the reading, adopt Ordinance No. 2353, 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.

15. APPROVE LEADERSHIP MORGAN HILL PROJECT AT THE COMMUNITY AND CULTURAL CENTER

Recommendation:

1. Approve Leadership Morgan Hill project at the Community and Cultural Center to improve splash pad area: and
2. Authorize the City Manager to execute agreements as needed with Leadership Morgan Hill and associated contractors to complete the installation.

16. INTRODUCE ORDINANCE REPEALING AND REPLACING CHAPTER 5.32 (MESSAGE ESTABLISHMENTS AND MESSAGE PROFESSIONALS PERMIT REQUIREMENTS) OF TITLE 5 (BUSINESS LICENSES GENERALLY) ESTABLISHING A PERMITTING PROCEDURE FOR MESSAGE THERAPY ESTABLISHMENTS AND SERVICES

Recommendation:

1. Waive first and second reading of the Ordinance; and
2. Introduce new Ordinance replacing Chapter 5.32 (Message Establishments and Massage Professionals Permit Requirements).

17. SEWERS AND INDUSTRIAL WASTE ORDINANCE UPDATES

Recommendation:

1. Waive first and second reading of the Ordinance; and
2. Introduce Ordinance updating the City's sewer use provisions.

18. RECEIVE MONTHLY BUDGET UPDATE; MARCH 2024 FINANCIAL AND INVESTMENT REPORTS; AND CITY MANAGER AUTHORITY REPORT

Recommendation:

Accept and file report.

PROPOSED FUTURE COUNCIL INITIATED AGENDA ITEMS

19. 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. Appointing versus electing the City Treasurer; and
2. Creating term limits for the City Treasurer; and
3. A policy to prevent the City Council from taking positions on foreign or international events; and
4. A disturbance policy for City Council meetings.

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.

CLOSED SESSION

Conference with Legal Counsel – Existing Litigation (§ 54956.9)

City of Morgan Hill v. Roche and Glenda Garcia et al. (Santa Clara County Case No. 21CV385524)

Conference with Legal Counsel – Anticipated Litigation

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

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

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.

Strategic Priorities 2024-2025

- Fiscal Sustainability
- Affordable Housing and Homelessness
- Community Engagement
- Economic Development and Tourism
- Transportation
- Healthy Community

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