



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, May 15, 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 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 – Existing Litigation (§ 54956.9)

City of Morgan Hill v. Rocke 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

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

REGULAR MEETING

6:00 pm

RECOGNITIONS

Recognizing Michael Greymont for his volunteer work for the Morgan Hill Aquatics Center

PROCLAMATIONS

Proclaiming May 15, 2024 as Peace Officers Memorial Day and the week of May 12 - 19, 2024 as National Police Week

Proclaiming the week of May 19 - 25, 2024 as National Public Works Week

Proclaiming the month of May 2024 as Affordable Housing Month

Proclaiming the month of May 2024 as Wildfire Awareness Month

Proclaiming the month of May 2024 as Foster Care/Resource Parent Month

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. **ACCEPTANCE OF FISHER BASIN EXPANSION PROJECT IN THE AMOUNT OF \$2,488,052**

Recommendation:

1. Accept as complete the Fisher Basin Expansion Project;
2. Authorize City Engineer to sign the Notice of Completion; and
3. Direct City Clerk to file the Notice of Completion with the County Recorder's Office.

2. **ADOPT 2024 WASTEWATER COLLECTION SYSTEM MASTER PLAN UPDATE**

Recommendation:

Adopt the 2024 Wastewater Collection System Master Plan Update.

3. **ADOPT MITIGATED NEGATIVE DECLARATION FOR THE EAST DUNNE AVENUE HILLSIDE WATER RESERVOIR PROJECT**

Recommendation:

1. Adopt and certify the project Mitigated Negative Declaration;
2. Approve the Mitigation Monitoring and Reporting Program; and
3. Authorize the City Clerk to file the Mitigated Negative Declaration with the County Recorder's Office.

4. **ADOPT ORDINANCE 2354, NEW SERIES, REPEALING AND REPLACING CHAPTER 5.32 (MASSAGE ESTABLISHMENTS AND MASSAGE PROFESSIONALS PERMIT REQUIREMENTS) OF TITLE 5 (BUSINESS LICENSES GENERALLY) TO ESTABLISH A PERMITTING PROCEDURE FOR MASSAGE THERAPY ESTABLISHMENTS AND SERVICES**

Recommendation:

Waive the reading, adopt Ordinance No. 2354, 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 2355, NEW SERIES, AMENDING SECTION 13.20.030 (DEFINITIONS) AND SECTION 13.20.090 (SPECIFIC POLLUTANT LIMITATIONS) OF CHAPTER 13.20 (SEWERS AND INDUSTRIAL WASTE) OF TITLE 13 (PUBLIC SERVICES), TO REGULATE SEWER USE AND SET UNIFORM REQUIREMENTS FOR DISCHARGES INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM**

Recommendation:

Waive the reading, adopt Ordinance No. 2355, 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 APPROVING FY 2024-25 LIST OF STREET REHABILITATION PROJECTS FUNDED BY SENATE BILL (SB) 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT**

Recommendation:

Adopt a resolution approving a list of street rehabilitation projects for Fiscal Year 2024-25 funded by SB1, the Road Repair and Accountability Act of 2017.

7. **APPROVE THE APRIL 24, 2024 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve minutes.

8. **APPROVE THE FIRST AMENDMENT TO THE AGREEMENT WITH THE COUNTY OF SANTA CLARA FOR EMERGENCY MEDICAL DISPATCHING SERVICES**

Recommendation:

1. Authorize the City Manager to enter into a one-year amendment to the agreement with the County of Santa Clara for Emergency Medical Dispatch Services for \$73,260 with an option to extend for an additional three years, subject to budget appropriation and approval as to form by the City Attorney; and
2. Authorize the City Manager to execute all future agreements with the County of Santa Clara to ensure continued medical dispatch services for our Community.

9. **APPROVE THE SECOND AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT WITH ASSOCIATED ENGINEERING-SURVEYING SERVICE, INC., DBA HANNA-BRUNETTI, FOR ON-CALL MAP REVIEW AND CITY SURVEYOR SERVICES FOR LAND DEVELOPMENT ENGINEERING**

Recommendation:

1. Approve the Second Amendment to the professional service agreement with Hanna-Brunetti for On-Call Map Review and City Surveyor Services for Land Development Engineering to add \$40,000 to the contract amount for a total not-to-exceed amount of \$100,000 with the term of the agreement unchanged; and
2. Authorize the City Manager to execute the Second Amendment.

10. **AWARD 2024 PAVEMENT REHABILITATION PROJECT TO A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION IN THE AMOUNT OF \$3,437,968**

Recommendation:

1. Approve 2024 Pavement Rehabilitation plans and specifications;
2. Award contract to A. Teichert & Son, Inc. DBA Teichert Construction for the 2024 Pavement Rehabilitation Project in the amount of \$3,437,968;
3. Authorize the expenditure of construction contingency not to exceed \$343,797; and
4. Authorize the City Manager to execute and administer the construction contract with A. Teichert & Son, Inc. DBA Teichert Construction.

11. **AWARD 2024 SEAL COAT & STRIPING PROJECT TO DRYCO CONSTRUCTION, INC. IN THE AMOUNT OF \$77,241**

Recommendation:

1. Award contract to DRYCO Construction, Inc. in the amount of \$77,241;

2. Authorize the expenditure of contingency funds not to exceed \$7,724; and
3. Authorize City Manager to execute and administer the construction contract with DRYCO Construction, Inc.

12. AWARD ON-CALL ELECTRICAL MAINTENANCE AND REPAIR SERVICE AGREEMENTS

Recommendation:

1. Award maintenance service agreements to MJR Electric, Inc. and One Day Installation & Repairs, Inc. for up to \$100,000 each for on-call electrical maintenance and repair services; and
2. Authorize the City Manager to execute and administer the agreements.

13. RATIFY CITY POSITION ON PENDING LEGISLATION, ASSEMBLY BILL 3035 (PELLERIN) AGRICULTURAL EMPLOYEE HOUSING: STREAMLINED MINISTERIAL APPROVAL: COUNTIES OF SANTA CLARA AND SANTA CRUZ

Recommendation:

Ratify the City's support position on pending legislation, Assembly Bill 3035 (Pellerin) Agricultural employee housing: streamlined ministerial approval: Counties of Santa Clara and Santa Cruz.

PUBLIC HEARINGS

14. CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION TO ESTABLISH OLD MONTEREY ROAD UNDERGROUND UTILITIES DISTRICT NO. 1 – OLD MONTEREY ROAD FROM LLAGAS ROAD TO MONTEREY ROAD

Recommendation:

1. Open/Close Public Hearing;
2. Adopt Resolution Establishing Old Monterey Road Underground Utilities District No. 1 - Old Monterey Road from Llagas Road to Monterey Road; and
3. Direct the City Clerk to notify all affected utilities and all persons owning real property within ten (10) days after the date of the adoption of the resolution.

OTHER BUSINESS

15. PROVIDE INPUT ON TRANSPORTATION MASTER PLAN GOALS AND ADOPT SPEED LIMITS IN ACCORDANCE WITH UPDATED ENGINEERING AND TRAFFIC SURVEY

Recommendation:

1. Provide input and direction on Transportation Master Plan Goals and Priorities;
2. Repeal Resolution No. 15-223 based on 2015 Engineering and Traffic Survey; and
3. Adopt Resolution establishing speed limits on City Streets.

16. APPROVE SOUTH COUNTY RECYCLED WATER DISTRIBUTION MASTER PLAN

Recommendation:

Review and approve final draft of the South County Recycled Water Distribution Master Plan.

17. INTRODUCE THE RECOMMENDED FY 2024-25 AND FY 2025-26 BIENNIAL OPERATING AND FY 2024-25 THROUGH FY 2029-30 CAPITAL IMPROVEMENT PROGRAM BUDGETS

Recommendation:

Receive the Introduction to the Recommended Budget Presentation.

18. PROVIDE DIRECTION REGARDING REMOTE PUBLIC COMMENTS AT CITY COUNCIL MEETINGS

Recommendation:

Provide direction to staff regarding the allowance of remote public comment on Zoom.

19. PROVIDE DIRECTION REGARDING OPTIONS FOR PUBLIC ART FUNDING

Recommendation:

Receive report and provide direction on policy for public art funding.

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.

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