CITY OF MORGAN HILL

City Council

Meeting Minutes

Mark Turner	-	*Mayor*
Marilyn Librers	-	*Mayor Pro Tem*
Gino Borgioli	-	*Council Member*
Rene Spring	-	*Council Member*
Yvonne Martinez Beltran	-	*Council Member*

Wednesday, August 28, 2024 5:00 PM

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

SPECIAL/REGULAR MEETING

A special meeting of the City Council was 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

Mayor Turner called the City Council meeting to order at 5:00 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

PRESENT	Rene Spring, Gino Borgioli, Yvonne Martinez Beltran, Mark Turner
ABSENT	Marilyn Librers

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CLOSED SESSION

City Attorney Larkin announced the closed session item.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Initiation of litigation pursuant to § 54956.9(c)
Two Cases

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 5:00 p.m. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:01 p.m.

REGULAR MEETING

The regular meeting was convened at 6:00 p.m.

CITY COUNCIL REPORTS

Council Member Spring had no report.

CITY MANAGER'S REPORT

City Manager Christina Turner shared that the long-awaited opening of the Hale Avenue Extension between Main and Dunne happened this past Saturday, significantly improving north-south traffic circulation. She announced that on Monday, U.S. Congresswoman Zoe Lofgren (CA-18) presented four checks appropriated by Congress for community projects totaling $2.1M for public safety and infrastructure projects in Morgan Hill. Morgan Hill's four projects are $1,000,000 for the Morgan Hill grade separations project, $500,000 for the Morgan Hill quiet zones project, $500,000 for the Morgan Hill 101 expansion project, and $100,000 for the Morgan Hill police sobriety campaign. The transportation funding will help us start the studies for the much-needed projects. She concluded by sharing that the next council meeting will take place on Wednesday, September 4 at 5:00 p.m. and will start with commission interviews and a closed session. The following meeting will be the Mid-Year Goal Check-In on Wednesday, September 18 starting at 5:00 p.m.

CITY ATTORNEY'S REPORT

City Attorney Larkin announced that the City Council met in a closed session at 5:00 p.m., and there was no reportable action from that closed session.

OTHER REPORTS

Council Member Martinez Beltran reported that on August 26, 2024 Women's Equality Day, they celebrated the 104th anniversary of the ratification of the 19th Amendment, which gave women the right to vote. There was an event in Downtown Morgan Hill and Congresswoman Zoe Lofgren joined them for the walk. She mentioned that she has been invited by California Superintendent Tom Thurman to attend an anti-bullying event for youth. She would like youth to join her and speak out about bullying.

PUBLIC COMMENT

Public comment opened at 6:10 p.m.
Kathy Chavez Napoli was called to speak.
There being no further requests to speak, public comment closed.

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	Passed
MOVER:	Council Member Borgioli
SECONDER:	Council Member Spring
AYES:	Council Member Spring, Council Member Borgioli, Council Member Martinez

	Beltran, Mayor Turner
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Pro Tem Librers

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.

MOTION:

Approving the consent calendar.

RESULT:	Passed
MOVER:	Council Member Borgioli
SECONDER:	Council Member Martinez Beltran
AYES:	Council Member Spring, Council Member Borgioli, Council Member Martinez Beltran, Mayor Turner
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Pro Tem Librers

1. ACCEPT ANNUAL EVALUATION REPORT FOR THE SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FY 2023-24 (YEAR 3) RELATING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROGRAM

Recommendation:

Accept the Annual Evaluation Report for FY 2023-24 (Year 3) for the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI).

2. ACCEPT COMMUNITY LAW ENFORCEMENT FOUNDATION (CLEF) DONATION

Recommendation:

1. Authorize the City Manager to accept a donation from the Community Law Enforcement Foundation in the amount of $53,123 for the reimbursement of protection plates; and
2. Amend the adopted Fiscal Year (FY) 2024-25 budget in the General Fund

(010) to recognize the CLEF donation as revenue, and appropriate $53,123 in the Police Department Field Operation budget.

3. **APPROVE A REIMBURSEMENT AGREEMENT WITH VCBLA NIDO, LLC FOR THE VOICES CHARTER SCHOOL PROJECT (NORTHWEST CORNER OF MONTEREY ROAD AND COSMO AVENUE)**

Recommendation:

1. Approve a Reimbursement Agreement with VCBLA NIDO, LLC for the Voices Charter School; and
2. Authorize the City Manager to execute the Reimbursement Agreement.

4. **APPROVE CHANGE ORDER #1 WITH IRISH EXCAVATION FOR WOODLAND BOOSTER RETAINING WALLS IN THE AMOUNT OF $27,838**

Recommendation:

1. Approve and authorize the City Manager to execute Change Order #1 with Irish Excavation in the amount of $27,838 for two retaining walls at the Woodland Booster Station; and
2. Approve and authorize the City Manager to add a 10% Contingency to the project in the amount of $10,262.

5. **APPROVE FINAL MAP FOR CROSSWINDS PHASE 1 - TRACT NO. 10618 AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT**

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with THE CROSSWINDS AT MORGAN HILL LLC ("Subdivider"), and KB HOME SOUTH BAY INC. ("Developer"); and
3. Authorize the recordation of the Final Map and Subdivision Improvements Agreement.

6. **APPROVE THE JUNE 26, 2024 CITY COUNCIL MEETING MINUTES**

Recommendation:
Approve minutes.

7. **AWARD CONTRACT TO MOUNTAIN CASCADE, INC. FOR THE SANITARY SEWER LIFT STATIONS K & F REHABILITATION PROJECT IN THE**

AMOUNT OF $3,042,500 AND CONTINGENCY FUNDS NOT TO EXCEED $304,250

Recommendation:

1. Approve Sanitary Sewer Lift Stations K & F Rehabilitation Project plans and specifications;
2. Award contract to Mountain Cascade, Inc. for the Sanitary Sewer Lift Stations K & F Rehabilitation Project in the amount of $3,042,500;
3. Authorize expenditure of construction contingency funds not to exceed $304,250; and
4. Authorize the City Manager to execute and administer the construction contract with Mountain Cascade, Inc.

8. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH HYDROSCIENCE ENGINEERS FOR THE EAGLE VIEW WELL #1 PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED $429,590

Recommendation:

1. Approve Service Agreement for Design Professionals with HydroScience Engineers, Inc. for a total not to exceed contract amount of $429,590 to design the Eagle View Well #1 project; and
2. Authorize the City Manager to execute and administer the Service Agreement for Design Professionals with HydroScience Engineers, Inc. for the Eagle View Well #1 project.

9. APPROVE SECOND AMENDMENT TO THE WEST COAST ARBORISTS, INC. MAINTENANCE SERVICE AGREEMENT TO INCREASE THE NOT TO EXCEED AMOUNT BY $540,728 FOR A TOTAL AGREEMENT AMOUNT OF $1,392,728

Recommendation:

1. Approve the Second Amendment to the Maintenance Service Agreement with West Coast Arborists, Inc. for $540,728, for a total agreement amount of $1,392,728, which includes increasing the annual amount of extra services to $300,000;
2. Authorize the City Manager to execute and administer the Second Amendment to the Maintenance Service Agreement with West Coast Arborists, Inc; and
3. Authorize the City Manager to extend the term of the Agreement with West Coast Arborists, Inc. for up to two additional one-year terms.

10. RATIFY CITY POSITION ON PENDING LEGISLATION, ASSEMBLY BILL 2557

(ORTEGA): LOCAL AGENCIES: CONTRACTS FOR SPECIAL SERVICES AND TEMPORARY HELP: PERFORMANCE REPORTS
Recommendation:
Ratify the City's opposing position on pending legislation, Assembly Bill 2557 (Ortega): Local Agencies: Contracts for Special Services and Temporary Help: Performance Reports.

11. RATIFY THE CITY MANAGER'S EXECUTION OF THE FIRST AMENDMENT TO AGREEMENT WITH THE COUNTY OF SANTA CLARA TO PROVIDE THE CITY WITH FUNDING FOR EMERGENCY MEDICAL SERVICES
Recommendation:
Ratify the City Manager's execution of the first amendment to the agreement with the County of Santa Clara to provide funding for the City of Morgan Hill to purchase Emergency Medical Services supplies and equipment.

PUBLIC HEARINGS

12. APPEAL (AAE2024-0004) OF DEVELOPMENT SERVICES DIRECTOR DECISION ON SR2024-0007 (MONTEREY-GLENROCK): EXPIRATION OF PRELIMINARY APPLICATION UNDER SB330 DUE TO EXPIRATION OF THE 180-DAY PRELIMINARY APPLICATION PERIOD
Recommendation:

1. Grant a hearing de novo;
2. Open/close public hearing; and
3. Adopt resolution denying the appeal and reaffirming the decision of the Development Services Director.

Development Services Director Jennifer Carman provided the report.

The public hearing opened at 6:26 p.m. The following people were called to speak:
The applicant's attorney, Robin Baral, provided a presentation.
There being no further requests to speak, the public hearing closed.

The meeting recessed at 7:18 p.m. and reconvened at 7:22 p.m.

MOTION:
Adopting resolution denying the appeal and reaffirming the decision of the Development Services Director.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran

SECONDER:	Council Member Spring
AYES:	Council Member Spring, Council Member Borgioli, Council Member Martinez Beltran, Mayor Turner
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Pro Tem Librers

13. <u>HOLD PUBLIC HEARING REGARDING ADJUSTMENTS TO WASTEWATER RATES</u>

Recommendation:

1. Receive and adopt final 2024 Wastewater Rate Study Report prepared by NBS;
2. Open public hearing and receive public comment;
3. Request submission or withdrawal of proposition 218 protest letters from the public/audience;
4. Suspend public hearing and allow City Clerk, or designee, to tabulate the final Proposition 218 protest letter count;
5. Reconvene meeting and reopen public hearing;
6. Receive and accept verbal report from City Clerk, or designee, on ballot tabulation results;
7. Close public hearing; and
8. Adopt resolution approving wastewater rate adjustments.

Finance Director Dat Nguyen provided a presentation and report.

The public hearing opened at 7:39 p.m.
Beverly Borbon was called to speak.
The meeting recessed to tabulate the ballots at 7:41 p.m. and reconvened at 7:51 p.m.
The City Clerk announced that 43 protest ballots were received.
There being no further requests to speak, the public hearing closed.

<u>MOTION:</u>
Adopting resolution approving wastewater rate adjustments.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Council Member Borgioli
AYES:	Council Member Spring, Council Member Borgioli, Council Member Martinez Beltran, Mayor Turner

NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Pro Tem Librers

OTHER BUSINESS

14. APPOINT VOTING DELEGATES FOR THE 2024 CALCITIES (LEAGUE) ANNUAL CONFERENCE

Recommendation:

1. Appoint a voting delegate and up to two (2) alternate voting delegates to the CalCities Annual Conference; and
2. Direct staff to complete and forward the voting delegate form to CalCities.

MOTION:
Appointing Mayor Turner as the primary voting delegate and Mayor Pro Tem Librers and Council Member Martinez Beltran as alternate voting delegates and directing staff to complete and forward the voting delegate form to CalCities.

RESULT:	Passed
MOVER:	Council Member Borgioli
SECONDER:	Council Member Spring
AYES:	Council Member Spring, Council Member Borgioli, Council Member Martinez Beltran, Mayor Turner
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Pro Tem Librers

15. RECEIVE MONTHLY BUDGET UPDATE; PRELIMINARY FY 2023-24 FINANCIAL AND INVESTMENT REPORTS; AND CITY MANAGER AUTHORITY REPORT

Recommendation:
Accept and file report.

Finance Director Dat Nguyen provided a presentation and report.

Public comment opened at 8:20 p.m. There being no requests to speak, public comment closed.

Report received.

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting in honor of Rich Firato at 8:21 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk