



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, October 23, 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 participate by teleconference/video conference. Information on how the public may observe and participate in the meeting is below.

MEETING PARTICIPATION

Morgan Hill City Council meetings are held in person. The community may attend in person or via Zoom (video/teleconference). The meetings are also live-streamed on the City's website, Facebook page, and Channel 17.

As a courtesy, and technology permitting, members of the public may attend online. However, the City cannot guarantee that the public's access to online technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Ralph M. Brown Act, the meeting will continue despite technical difficulties for participants using the online option.

Those wishing to participate in the meetings remotely must register in advance at <https://bit.ly/CityCouncilZoomRegistration>. Additionally, Zoom participants must be running the latest version or will be required to update to the latest version before being able to join the meeting remotely.

Remote participation is also available by calling (669) 900-9128 and entering webinar id: 873 3200 8380#. Dial *9 to raise your hand, and be called upon to speak for up to 3 minutes. Dial *6 to unmute.

PUBLIC COMMENT

Public comment may be offered verbally at the meeting or in writing before the meeting.

Those attending remotely may only offer public comment for items on the agenda in one of four categories:

- Consent Calendar
- Other Business
- Public Hearings
- Closed Session

Public comment will be heard from those attending in person first with the submission of a speaker card. Once that is complete, we will move to those on Zoom that have their hand raised. Following public comment from Zoom, we will close the public comment period for that item.

Remote public comment for items not on the agenda will not be accepted.

Written public comment may be submitted to the City Clerk:

- In person at the City Council Meeting;
- Via email to ccpubliccomment@morganhill.ca.gov; or
- Hand delivered or mailed 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) so that your comments can be submitted to the members of the City Council with sufficient time to review them. 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 noon (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 or by email at 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.

SPECIAL MEETING

5:00 p.m. Special Meeting

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Proclaiming the month of October as Dementia and Brain Health Awareness Month
Proclaiming October 2, 2024 as Clean Air Day
Proclaiming October 20-26, 2024 as Friends of the Library Week and Celebrating the
50th Anniversary of the Morgan Hill Friends of the Library

PRESENTATIONS

Caltrain presentation

CITY COUNCIL REPORTS

Mayor Turner

CITY MANAGER'S REPORT

New Hire, Promoted and Retired Employee Recognitions

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 GRANT FUNDING IN THE AMOUNT OF \$115,700 FROM THE CALIFORNIA STATE OFFICE OF TRAFFIC SAFETY AND \$100,000 FROM THE BYRNE DISCRETIONARY COMMUNITY FUNDING PROJECT**

Recommendation:

1. Authorize the City Manager to execute the Grant Agreement with the California State Office of Traffic Safety accepting grant funds from the Traffic Records Improvement Project in the amount of \$28,700;
2. Authorize the City Manager to execute the Grant Agreement with the California State Office of Traffic Safety accepting grant funds from the Selective Traffic Enforcement Program in the amount of \$87,000;
3. Accept the Byrne Discretionary Community Funding Project Grant in the amount of \$100,000 for the purchase of two BMW motorcycles; and

4. Amend the Fiscal Year (FY) 2024-25 General Fund budget to recognize grant revenue and appropriate \$215,700 in grant fund expenditures in FY 2024-25.

2. ADOPT RESOLUTION SUPPORTING PROPOSITION 36

Recommendation:

Adopt a resolution in support of Proposition 36: The Homeless, Drug Addition, and Theft Reduction Act.

3. APPROVE ACQUISITION OF SEWER EASEMENT FROM PG&E (APN 841-10-027 & 039) FOR THE SEWER RELIEF TRUNK LINE PROJECT

Recommendation:

1. Authorize the purchase of a sewer easement (9,476 square feet), APN 841-10-027 and APN 841-10-039, for \$23,000 plus escrow and closing costs from Pacific Gas and Electric (PG&E), for the Sewer Relief Trunk Line Project; and
2. Authorize the City Manager to execute all documents and make minor modifications as necessary in order to consummate the transaction and acquire the easement.

4. APPROVE THE SEPTEMBER 4, 2024 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

5. APPROVE THE SEPTEMBER 18, 2024 CITY COUNCIL MID-YEAR GOAL REVIEW CHECK-IN WORKSHOP MINUTES

Recommendation:

Approve minutes.

6. AWARD BUTTERFIELD PARK – PHASE 1 PROJECT TO S&H CONSTRUCTION, INC. IN THE AMOUNT OF \$3,268,600

Recommendation:

1. Approve the Butterfield Park - Phase 1 Project Plans and Specifications;
2. Award contract to S&H Construction, Inc. for the Butterfield Park - Phase 1 Project in the amount of \$3,268,600;
3. Authorize the expenditure of construction contingency funds not to exceed \$326,860; and
4. Authorize the City Manager to execute and administer the construction contract with S&H Construction, Inc.

7. **AWARD MAINTENANCE SERVICE AGREEMENT TO PRECISION EMPRISE, LLC DBA PRECISION CONCRETE CUTTING IN THE AMOUNT OF \$150,000 FOR ON-CALL CONCRETE CUTTING SIDEWALK REPAIR SERVICES AND SIDEWALK ASSET MANAGEMENT SURVEYING SERVICES**

Recommendation:

1. Award maintenance service agreement to Precision Emprise, LLC dba Precision Concrete Cutting in the not-to-exceed amount of \$150,000 for on-call concrete cutting sidewalk repairs and sidewalk asset management surveying services;
2. Determine that said purchase may be made cooperatively, as provided in Section 3.04.180 of the Morgan Hill Municipal Code;
3. Determine that competitive bids upon notice would not likely result in a lower price to the City from a responsible bidder or would cause unnecessary expense or delay under the circumstances as provided in Section 3.04.150 (2) of the Morgan Hill Municipal Code; and
4. Authorize the City Manager to execute and administer that certain construction contract with Precision Emprise, LLC dba Precision Concrete Cutting.

8. **AWARD MONTEREY ROAD UNDERPASS CONCRETE SPALL AND CRACK REPAIR PROJECT TO ASHRON CONSTRUCTION AND RESTORATION INC. IN THE AMOUNT OF \$284,440**

Recommendation:

1. Approve the Monterey Road Underpass Concrete Spall and Crack Repair Project Plans and Specifications;
2. Award contract to Ashron Construction and Restoration Inc. for the Monterey Road Underpass Concrete Spall and Crack Repair Project in the amount of \$284,440;
3. Authorize expenditures of construction contingency not to exceed \$28,444; and
4. Authorize the City Manager to execute and administer the construction contract with Ashron Construction and Restoration Inc.

9. **ADOPT A JOINT RESOLUTION DETAILING THE REPRESENTATIVE GOVERNANCE FOR SOUTH SANTA CLARA COUNTY CITIES ON SANTA CLARA VALLEY TRANSPORTATION AUTHORITY'S (VTA) BOARD OF DIRECTORS**

Recommendation:

Adopt the joint Morgan Hill and Gilroy resolution detailing the representative governance for South Santa Clara County Cities on Santa Clara Valley Transportation Authority's (VTA) Board of Directors.

REGULAR MEETING

6:00 p.m.

PUBLIC HEARINGS

10. ADOPT RESOLUTION TO ESTABLISH NEW AND UPDATED FEES FOR PLANNING, BUILDING, AND LAND DEVELOPMENT ENGINEERING

Recommendation:

1. Open/Close Public Hearing; and
2. Adopt resolution to establish new and updated Planning, Building, and Land Development Engineering fees as proposed.

11. INTRODUCE ORDINANCE TO AMEND THE CITY OF MORGAN HILL DOWNTOWN SPECIFIC PLAN DELETING THE CONDITIONAL USE PERMIT REQUIREMENT FOR BARS ASSOCIATED WITH A RESTAURANT

Recommendation:

1. Waive first and second reading of the Ordinance; and
2. Introduce an Ordinance deleting from the Morgan Hill Downtown Specific Plan the conditional use permit requirement for bars associated with a restaurant.

OTHER BUSINESS

12. APPROVE PUBLIC ART FRAMEWORK AND DIRECT STAFF TO PREPARE AN ORDINANCE REQUIRING PUBLIC ART IN NEW DEVELOPMENT PROJECTS

Recommendation:

Approve Public Art Framework and direct staff to draft Public Art Ordinance.

13. ACCEPT MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT (MHTBID) OWNERS ASSOCIATION ANNUAL REPORT (DBA VISIT MORGAN HILL)

Recommendation:

Accept and file the Visit Morgan Hill Annual Report.

14. ACCEPT ELEVATE MORGAN HILL - ECONOMIC MOBILITY REPORT

Recommendation:

Accept the ELEVATE Morgan Hill - Economic Mobility Report.

**15. RECEIVE MONTHLY BUDGET UPDATE; SEPTEMBER 2024 FINANCIAL
AND INVESTMENT REPORTS; AND CITY MANAGER AUTHORITY REPORT**

Recommendation:

Accept and file report.

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 described in the notice of this meeting during consideration of that item. If you wish to address the Council on any item on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk before the City Council discussion on the item. You are not required to give your name on the speaker card 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