



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, November 6, 2024 6:00 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.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC Presentation

PROCLAMATIONS

Proclaiming the month of November as Morgan Hill Community Philanthropy Month

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)

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. **ADOPT ORDINANCE 2357, NEW SERIES, AMENDING THE 2009 DOWNTOWN SPECIFIC PLAN OF THE CITY OF MORGAN HILL DELETING THE CONDITIONAL USE PERMIT REQUIREMENT FOR BARS ASSOCIATED WITH A RESTAURANT**

Recommendation:

Waive the reading, adopt Ordinance No. 2357, 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.

2. **APPROVE OBJECTIVE DEVELOPMENT STANDARD WAIVERS AND CONCESSION REQUEST FOR THE DIANA - DIVIDEND RESIDENTIAL PROJECT AT DIANA AVENUE**

Recommendation:

Adopt a resolution approving the request for one concession and 18 waivers to the City's Objective Development Standards for residential development.

3. **APPROVE OBJECTIVE DEVELOPMENT STANDARD CONCESSION REQUEST FOR THE BARNELL - HAREN PROPERTIES LLC RESIDENTIAL PROJECT AT BARNELL AVENUE AND DUNNE AVENUE (LJ COMMONS)**

Recommendation:

Adopt a resolution approving the request for a concession to the City's Objective Development Standards for residential development.

4. **APPROVE THE FY 2024-25 WORK PLANS FOR THE LIBRARY, CULTURE AND ARTS COMMISSION AND THE PARKS AND RECREATION COMMISSION**

Recommendation:

Review and approve the FY 2024-25 Work Plans for the Library, Culture and Arts Commission and the Parks and Recreation Commission.

5. APPROVE THE 2025 CITY COUNCIL MEETING SCHEDULE

Recommendation:

Review, discuss, if needed, amend, and approve the 2025 City Council meeting schedule.

6. APPROVE THE OCTOBER 23, 2024 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

7. AUTHORIZE PURCHASE OF FIRE DEPARTMENT REPLACEMENT VEHICLE INCLUDING THE OUTFITTING OF EMERGENCY EQUIPMENT

Recommendation:

1. Recognize an insurance proceed payout of \$24,301 for the replacement of the Fire Department vehicle F12001; and
2. Amend the Adopted Fiscal Year (FY) 2024-25 Budget in the Equipment Replacement Fund (Fund 790) which includes a 10% contingency of \$8,889, for the purchase and outfitting of replacement vehicle F12001 with a 2024 Ford F250 Truck for the Fire Department; and
3. Authorize the City Manager to execute and administer the associated purchase agreement.

OTHER BUSINESS

8. ADOPT A CITYWIDE VEHICLE-MILES-TRAVELED (VMT) POLICY INCLUSIVE OF ESTABLISHING VMT AS THE APPROPRIATE METRIC FOR EVALUATING TRANSPORTATION-RELATED IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ESTABLISHING VMT SCREENING CRITERIA, VMT THRESHOLDS OF SIGNIFICANCE, AND TRANSPORTATION DEMAND MANAGEMENT (TDM) STRATEGIES

Recommendation:

1. Receive report regarding a proposed trip reduction ordinance; and
2. Adopt a resolution establishing Screening Criteria and Thresholds of Significance regarding the City's implementation of State Senate Bill 743 (SB 743) transition from Level-of-Service (LOS) to Vehicle-Miles-Traveled (VMT) as the metric for transportation analysis under the California Environmental Quality Act (CEQA) for development projects.

9. RECEIVE POLICE AND FIRE PUBLIC SAFETY UPDATE

Recommendation:

Receive the Police and Fire Public Safety Update.

10. PROVIDE DIRECTION TO STAFF ON PROPOSED FUTURE COUNCIL INITIATED AGENDA ITEM

Recommendation:

Determine if the majority of the City Council wants the following item agendaized at a future meeting for discussion:

Expand multiunit non-smoking ordinance to include all residential properties.

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

CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2024

PREPARED BY:

Kim Mancera, Deputy City Clerk

APPROVED BY: City Manager

ADOPT ORDINANCE 2357, NEW SERIES, AMENDING THE 2009 DOWNTOWN SPECIFIC PLAN OF THE CITY OF MORGAN HILL DELETING THE CONDITIONAL USE PERMIT REQUIREMENT FOR BARS ASSOCIATED WITH A RESTAURANT

RECOMMENDATION(S)

Waive the reading, adopt Ordinance No. 2357, 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.

COUNCIL PRIORITIES, GOALS & STRATEGIES

2024-2025 Strategic Priorities

Economic Development and Tourism

Guiding Documents

Economic Blueprint

Morgan Hill 2035 General Plan

Morgan Hill Downtown Specific Plan

REPORT NARRATIVE:

On October 23, 2024, the City Council introduced Ordinance No. 2357, New Series, by the following roll call votes: AYES: Turner, Librers, Borgioli, Martinez Beltran; NOES: None; ABSTAIN: None; Absent: Spring

The proposed amendment is consistent with the Morgan Hill 2035 General Plan, adopted by the City Council on July 27, 2016, because the allowance for alcohol sales is typical of most restaurants in Downtown that operate with a Type 47 license and will be consistent with the City's General Plan Goals, including Goal ED-7, by providing thriving restaurants that meet local residents' needs and attracting tourists.

The Vision Statement of the Downtown Specific Plan is: "Strengthening Downtown as the gathering place, a connecting force, the social and activity heart of Morgan Hill, is the overriding aspiration of the Plan - a place where residents from all segments of the community can live, work, meet, shop, dine and participate in public celebrations, and share in the richness of Morgan Hill's community life..."

Downtown is the priority district for dining and entertainment. Allowing for a variety of restaurants contributes to the variety of available dining options and provides a unique experience. Applying for a Conditional Use Permit (CUP) is a significant expense and causes delays for new restaurants. Because restaurants outside of downtown are not required to obtain a CUP, restaurants in the downtown are placed at a disadvantage, contrary to the intent of the General Plan and the Specific Plan. Economically, restaurants need to have the ability to offer a range of beverages to compete in today's dining market.

COMMUNITY ENGAGEMENT:

A 10-day public hearing notice was published in the Friday, October 11, 2024 edition of the Morgan Hill Times pursuant to Government Code sections 65090-65096.

ALTERNATIVE ACTIONS:

Council could choose not to introduce the ordinance. Applicants for restaurants in the downtown specific plan area would continue to be required to apply for and obtain a CUP to include a bar in the restaurant.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

This ordinance was heard by the Planning Commission on September 24, 2024. The Planning Commission voted to recommend adoption of the ordinance by a vote of 6 to 0.

FISCAL AND RESOURCE IMPACT:

The impact of this ordinance is fiscally neutral. The City will no longer collect the application fee which paid for staff time for a Planning Commission Public Hearing.

CEQA (California Environmental Quality Act):

This ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, as the proposed text amendment to the Morgan Hill Downtown Specific Plan is not a project with potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis.

ORDINANCE NO. 2357, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE 2009 DOWNTOWN SPECIFIC PLAN OF THE CITY OF MORGAN HILL DELETING THE CONDITIONAL USE PERMIT REQUIREMENT FOR BARS ASSOCIATED WITH A RESTAURANT

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS FOLLOWS:

Section 1. Figure 8 of the Morgan Hill Downtown Specific Plan is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

Permitted Uses

Figure 8 below lists uses that are permitted (P), conditionally permitted (C), conditionally permitted with a Downtown Administrative Use Permit (A), and not permitted (N).

Figure 8
Permitted Uses (within the Specific Plan Boundary)

Use <i>(Block 16 is subject to special use restrictions. Uses with an N in the column after the CBD column means that retail or commercial use is prohibited on Block 16)</i>	CBD	CB D Bloc k 16	GF O	D-PF	R2 D-R3 D-R4	RE
Commercial/Service/Retail Uses						
Antique shop, vintage clothing and collectibles	P	N	P	N	N	N
Arts and crafts gallery	P	N	P	N	N	N
Bed and Breakfast Lodging	C	N	N	N	C	C
Commercial recreation (3,000 sq. ft. or less)	P		C	C	N	N
Commercial recreation (greater than 3,000 sq. ft.)	C		C	C	N	N
Commercial service	P		A	N	N	N
Convenience market/store	C	N	C	N	N	N
Dry cleaner, shoe repair	P	N	C	N	N	N
Family day care, small	C		N	N	P	P
Financial services, bank	P		C	N	N	N
Food service, takeout	P	N	P	N	N	N
Hotel	C	N	C	N	N	N
Nightclub and bar (ancillary to a restaurant)	C	N	C	N	N	N
Nightclub, bar, theater (not ancillary to a restaurant)	C	N	C	N	N	N
Nursery school/large family day care facility	C		N	C	C	C
Personal services	P		A	N	N	N
Public/quasi-public building (education, cultural, or public-service)	C		A	P	C	C

Public Parking Lots or Structures	P	C	P	C	N
Restaurant (bars and beer & wine permitted, bars conditionally permitted)	P	N	P	N	N
Retail store	P	N	P	N	N
School, general educational	C	N	N	C	N
Social hall, lodge, fraternal organization, community club, religious facilities	C	N	N	C	C
Specialty food market	P	N	P	N	N
Theater	C	N	C	N	N
Residential Uses					
Duplex, triplex	C	N	N	P	N
Congregate care for the elderly/assisted living facility (>6)	N	N	C	C	N
Home occupations (in accordance with Chapter 18.04.225: Home Occupations, of the Zoning Ordinance)	P	C	N	P	P
Live/work unit	P	C	N	N	N
Mixed use residential (residential use above some other use)	P	P	N	N	N
Multi-family dwelling	C	C	N	P	N
Nursing/convalescent hospital	N	N	C	C	N
Residential congregate care facility - large (>6)	N	N	C	C	N
Residential congregate care facility - small (≤6)	N	N	N	P	P
Single-family attached dwelling	C	N	N	P	P
Single-family detached dwelling	C	N	N	P	P
Office/Professional Uses					
Business, trade or tutoring school	P	A	C	N	N
Business support services	P	A	N	N	N
Hospital	P	N	N	N	N
Medical office	P	N	N	N	N
Office, administrative	P	A	C	N	N
Professional office	P	A	C	N	N
Other Uses					
Drive-in establishments	C	N	N	N	N
Public Parking Lots or Structures	P	C	P	C	N
Other uses similar to permitted or conditionally permitted uses as determined by the Planning Commission to be permitted	C	C	C	C	C

Section 2. Severability. Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 3. Effective Date; Posting. This Ordinance shall take effect on the 31st day after adoption. The City Clerk is hereby directed to publish this Ordinance or a summary thereof

pursuant to Government Code Section 36933.

This ordinance was introduced at a meeting of the City Council held on the 23rd day of October, 2024, and adopted at a meeting held on the 6th day of November, 2024, and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

MARK TURNER, Mayor

MICHELLE BIGELOW, City Clerk

CERTIFICATE OF THE CITY CLERK

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2357, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 6th day of November, 2024.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2024

PREPARED BY:

Roshni Saxena, Assistant Planner

APPROVED BY: City Manager

APPROVE OBJECTIVE DEVELOPMENT STANDARD WAIVERS AND CONCESSION REQUEST FOR THE DIANA - DIVIDEND RESIDENTIAL PROJECT AT DIANA AVENUE

RECOMMENDATION(S)

Adopt a resolution approving the request for one concession and 18 waivers to the City's Objective Development Standards for residential development.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Maintaining and Enhancing Infrastructure

Preserving and Cultivating Public Trust

Advocating for Local, Regional, and State Legislative Initiatives

2024-2025 Strategic Priorities

Affordable Housing and Homelessness

Guiding Documents

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

Dividend Homes (Diana – Dividend) has applied for a Design Permit for the development of 23 single-family residential homes to be developed on two parcels located on Diana Avenue. The proposed development includes a lot line adjustment of two parcels located at 730 Diana and 760 Diana Avenue (APNS: 726-06-013 and a portion of 726-06-015). The proposed project is within the General Plan's Residential Detached Medium Density designation, which permits a residential density of up to 7 units per acre (Link to plans provided [here](#)).

The project will provide 3 units (13% of the project) to be restricted for-sale to qualified moderate-income buyers, allowing the project to be eligible for an 8% density bonus under California Density Bonus Law (DBL) pursuant to Government Code Section 65915[b] and Section 65915[f]. As allowed under State DBL, the project is requesting waivers and concessions related to underground utility lines, lot size, building size, building and street setbacks, building design, street width, sidewalks, open space and on-site recreational amenities, street grading, and street connection and water main

design.

Projects that meet the eligibility requirements of DBL are allowed to request concessions (incentives) and unlimited waivers (reductions) from development standards that could inhibit the project's ability to achieve the allowed density. State Law allows projects to receive concessions and waivers based on the number of affordable housing units and the level of affordability provided by the project. By meeting the eligibility requirements of DBL, the project qualifies for one concession request and an unlimited number of waivers. A complete list of requested concessions and waivers is provided (Attachment 2).

THE PROJECT

The project site is located at 730 and 760 Diana Avenue in the City of Morgan Hill, California. The 3.05-acre site (APNs 726-06-013 and a portion of -015) is developed with three single-family residences and associated accessory structures. Surrounding existing land uses include single-family residences to the north, east, and west; and undeveloped land and commercial uses to the south.

The proposed project would include demolition and removal of all on-site structures; removal of the majority of on-site trees; and the subdivision of the 3.05-acre project site into 23 residential lots, ranging from 2,896 square feet (sf) to 4,259 sf, and one approximately 0.59-acre common lot. The project would include development of a total of 23 two-story single-family residences, ranging from 2,536 sf to 3,116 sf; three of the residences would be affordable units. The project would also include two detention ponds located in the southeast and southwest corners of the project site. Site access would be provided by a new internal roadway, which includes one new private roadway and one new publicly accessible street (Cayman Street). Both new roadways would connect to Diana Avenue. The new private roadway would be constructed as part of the off-site improvements and would run along the eastern boundary of the project site.

As proposed, the project will provide 23 units total (base density allows for 22 units), of which three residences (13%) will be designated as moderate-income for-sale units. Government Code Section 65915(d)(2)(A) requires the City to grant one incentive or concession and an unlimited amount of waivers unless the City makes specific written findings described below. Concessions and waivers must be approved, even if the project is not requesting an increase in density. Waivers are a form of assistance under State law, separate from incentives/concessions. A waiver is a reduction or modification of "development standards" and other regulations when those requirements potentially make the project's construction physically infeasible if not approved.

Unlike concessions and incentives, there is no limit to the number of waivers an applicant can request, and applicants are entitled to a waiver of any and all development standards that would physically preclude the development at the density permitted and with the incentive(s) granted. [Gov. Code §65915(e)(1) and §65915(e)(2)] "Development standards" include a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-

space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation. [Gov. Code §65915(0)(2)]. Waivers are automatically allowed if they are necessary to achieve the full density allowed under the State Density Bonus Law. Concessions are similar to waivers but focus on cost reduction as the barrier to development. This project is entitled to one concession and unlimited waivers and is requesting one concession and 18 waivers.

CONCESSION REQUEST

A concession is defined as:

- A reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or
- Approval of mixed-use zoning; or
- Other regulatory incentives or concessions which actually result in identifiable and actual cost reductions.

Concession Request: Utility Undergrounding Requirements – The project is requesting a concession from all utility undergrounding requirements, which requires the underground of the overhead power lines along the project’s street frontage at both 730 and 760 Diana Avenue.

Staff Response to Concession Request:

City Council must first approve the concession request from the undergrounding requirements; however, the project will be required to underground only the lines that cross Cayman Street. The approximate location of the utility poles shall be determined through the project applicant and PG&E coordination.

WAIVERS

The waiver or reduction of a development standard does not count as a concession, and there is no limit on the number of development standard waivers that may be requested or granted.

Waiver #1:

Lot Area (7,000 sq. ft min. | 7,500 sq. ft. min. for corner lot)

Waiver/reduction requested to reduce the minimum allowable lot area to **+/-2,948** sq. ft. sq. ft., and to reduce the minimum allowable lot area for corner lots to 3,838 sf. ft. to achieve the allowed General Plan land use density.

Waiver #2:

Lot Width (60’ min.)

Waiver/reduction requested to reduce the minimum allowable lot width for interior and corner plots to **37’** to achieve the allowed General Plan land use density.

Waiver #3:*Lot Depth (85' min.)*

Waiver/reduction requested to reduce the minimum allowable lot depth to **73'** to achieve the allowed General Plan land use density.

Waiver #4:*Front 1st Story Setback (20' min.)*

Waiver/reduction requested to reduce the minimum required front first story setback distance to **+/-10'** to achieve the allowed General Plan land use density.

Waiver #5:*Front Upper Stories Setback (25' min.)*

Waiver/reduction requested to reduce the minimum required front upper stories setback distance to **+/-10'** to achieve the allowed General Plan land use density.

Waiver #6:*Interior Side Upper Stories Setback (12.5' min.)*

Waiver/reduction requested to reduce the minimum required side upper stories setback distance to **5'** on both sides to achieve the allowed General Plan land use density.

Waiver #7:*Street Side Setback (15' min.)*

Waiver/reduction requested to reduce the minimum required street side setback distance to **5'** to achieve the allowed General Plan land use density.

Waiver #8:*Rear 1st Story Setback (20' min.)*

Waiver/reduction requested to reduce the minimum required rear first story setback distance to **7'** to achieve the allowed General Plan land use density.

Waiver #9:*Rear Upper Stories Setback (25' Min.)*

Waiver/reduction requested to reduce the minimum required rear upper stories setback distance to **7'** to achieve the allowed General Plan land use density.

Waiver #10*Balconies (25% of homes)*

Waiver requested to **remove** balcony requirement. Plans are only two stories with the living/dining on the ground floor. Balconies are provided generally from the living/ dining area and since these are on the ground floor it is not possible to provide those. However all plans include a ground floor porch that achieves the intent of the objective standard to promote "eyes on the street."

Waiver #11*Maximum Building Coverage (50% max.)*

Waiver requested to increase the maximum allowable building coverage to **55%** to achieve the allowed General Plan land use density.

Waiver #12*Garage Placement Variation (25% min.)*

Waiver requested to **remove** the minimum required garage placement variation requirement to achieve the allowed General Plan land use density.

Waiver #13*Common Open Space (175-200 sq. ft. per unit)*

Waiver requested to **remove** the minimum required common open space required per unit to achieve the allowed General Plan land use density.

Waiver #14*On-Site Recreational Amenities*

Waiver requested to **remove** the requirement to provide two Tier 1 and two Tier 2 on-site recreational requirements as it would negatively impact cost and the ability of the project to achieve the allowed General Plan land use density.

Waiver #15*Continuous Sidewalks (both sides of street frontage)*

Waiver requested to provide sidewalk only on **one side** of street frontage to achieve the allowed General Plan land use density and to reduce/minimize impervious surface.

Waiver #16*Secondary Residential Street Section (56' width)*

Waiver requested to reduce the street sections based on project needs, constraints and for the project to be developed at the allowable General Plan land use density.

Staff Response to Waiver #16:

A meeting was held between the City and the applicant in October 2023 where the City Engineer approved a City standard half street section for a 48' right-of-way along the Cayman Street extension with a minimum width of 28' from the face of curb on the project side to the edge of pavement. When the properties to the west of the project site redevelop in the future, the properties will be required to dedicate the necessary right-of-way to construct the ultimate 56' right-of-way width along the Cayman Street extension.

Waiver #17*Looped Water Main to Walnut Grove*

Looped Water Main will be designed to connect back to Diana Ave through the 760 Diana Ave property per coordination with 760 owners.

Waiver #18*Street Connection to Diana Ave.*

The project will provide a driveway for access to the public street and private residences. A curb return can be installed once the adjacent parcel is developed for the full residential street section.

Staff Response to Waiver #18:

The City has requested a meeting with the property owner of the adjacent property to the west at address 690 Diana Avenue (APN: 726-06-012) to discuss the City's interest in purchasing a small section of the property that is required to align the centerline of Cayman Street with the centerline of the proposed Cayman Street extension.

The project will be conditioned to construct the ultimate centerline to centerline alignment of Cayman Street extension upon the City's acquisition of the necessary right-of-way from the adjacent property and prior to acceptance of the public improvements constructed by the project. If there is a delay in the City's right-of-way acquisition at 690 Diana Avenue, the project's proposed offset driveway approach at Cayman Street will be allowed to be constructed as an interim condition.

If the City is unable to acquire the right-of-way, the project's proposed offset driveway approach at Cayman Street will be allowed to be constructed without any additional requirement for future street improvements.

Basis for Denial of Concession/Incentive or Waiver/Reduction

Can the Agency Deny a Concession/Incentive or Waiver?

Yes. Nothing within DBL requires a local government to grant an incentive or waiver that will potentially result in a specific, adverse impact upon public health, safety, the environment or on any property listed in the California Register of Historic Resources. [Gov. Code §65915(d)(1) and §65915(e)(1)]. In the case of a denial, the City is responsible for providing documented proof that a concession or waiver request create a specific, adverse impact.

In addition, the State Density Bonus Law does not require a local government to provide direct financial incentives such as waiving of any fees or dedication requirements. [Gov. Code §65915(1)].

How Do You Determine Physical Infeasibility?

Waiver requests must be accompanied by sufficient documentation to demonstrate that the usual development standards would physically preclude development of the project with a density bonus. Furthermore, while the developer must justify the need for a waiver, a pro forma (or other similar analysis) is not required. An example of sufficient documentation is a written explanation of the requested waiver(s) and plans demonstrating the constraints of the project site. [Gov. Code §65915(a)(2)]. This has been provided in Attachment 2.

Under Government Code 65915(e)(1), the city shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of the following:

1. The waiver would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is

no feasible method to satisfactorily mitigate or avoid the specific adverse impact. A specific adverse impact is defined as a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

2. The waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
3. The waiver would be contrary to state or federal law.

Staff is unable to make any of these findings for the concession or waiver requests. Staff recommends approval of the concession and 18 waivers requested by the developer. The developer has requested the concession from underground utilities due to financial constraints.

Next Steps

The project includes administrative review of the Design Permit by the Development Services Director, and the Subdivision and Environmental Review by the Planning Commission.

COMMUNITY ENGAGEMENT:

The project shall be publicly noticed by mail to property owners within 300 feet of the project site. Newspaper legal noticing and site signage shall be posted at the project site pursuant to Planning Division requirements.

ALTERNATIVE ACTIONS:

City Council may find the project request to not be consistent with Government Code Section 65915(e)(1).

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

None.

FISCAL AND RESOURCE IMPACT:

Review costs for this project are paid for through development application processing fees.

CEQA (California Environmental Quality Act):

The project shall provide an analysis pursuant to CEQA Guidelines. The environmental document shall be prepared to identify and analyze potential environmental impacts of the proposed project, including any mitigation measures.

730 AND 760 DIANA AVE, MORGAN HILL

Requested Incentives and Concessions & Waiver or Reductions of Development Standards Under State Density Bonus Law

Incentive/Concession

1. Underground Requirements:

The project is requesting an incentive/concession from this requirement, which requires undergrounding of the overhead lines along the project frontage of both 730 and 760 Diana Avenue.

Undergrounding these lines would cost more than \$605,000.

Granting an incentive/concession to avoid undergrounding would produce actual and identifiable cost reductions to the project.

Waivers/Reductions of Development Standards

Zoning Compliance

- 1. Lot Area (7,000 sq. ft min. | 7,500 sq. ft. min. for corner lot)**
Waiver/reduction requested to reduce the minimum allowable lot area to **+/-2,948** sq. ft. sq. ft., and to reduce the minimum allowable lot area for corner lots to 3,838 sf. ft. to achieve the allowed General Plan land use density.
- 2. Lot Width (60' min.)**
Waiver/reduction requested to reduce the minimum allowable lot width for interior and corner plots to **37'** to achieve the allowed General Plan land use density.
- 3. Lot Depth (85' min.)**
Waiver/reduction requested to reduce the minimum allowable lot depth to **73'** to achieve the allowed General Plan land use density.
- 4. Front 1st Story Setback (20' min.)**
Waiver/reduction requested to reduce the minimum required front first story setback distance to **+/-10'** to achieve the allowed General Plan land use density.
- 5. Front Upper Stories Setback (25' min.)**
Waiver/reduction requested to reduce the minimum required front upper stories setback distance to **+/-10'** to achieve the allowed General Plan land use density.

6. Interior Side Upper Stories Setback (12.5' min.)

Waiver/recution requested to reduce the minimum required side upper stories setback distance to **5'** on both sides to achieve the allowed General Plan land use density.

7. Street Side Setback (15' min.)

Waiver/reduction requested to reduce the minimum required street side setback distance to **5'** to achieve the allowed General Plan land use density.

8. Rear 1st Story Setback (20' min.)

Waiver/reduction requested to reduce the minimum required rear first story setback distance to **7'** to achieve the allowed General Plan land use density.

9. Rear Upper Stories Setback (25' Min.)

Waiver/reduction requested to reduce the minimum required rear upper stories setback distance to **7'** to achieve the allowed General Plan land use density.

Architectural-Design Features

10. Balconies (25% of homes)

Waiver requested to **remove** balcony requirement. Plans are only two stories with the living/dining on the ground floor. Balconies are provided generally from the living/ dining area and since these are on the ground floor it is not possible to provide those. However all plans include a ground floor porch that achieves the intent of the objective standard to promote "eyes on the street."

Architectural-Site Planning

11. Maximum Building Coverage (50% max.)

Waiver requested to increase the maximum allowable building coverage to **55%** to achieve the allowed General Plan land use density.

12. Garage Placement Variation (25% min.)

Waiver requested to **remove** the minimum required garage placement variation requirement to achieve the allowed General Plan land use density.

13. Common Open Space (175-200 sq. ft. per unit)

Waiver requested to **remove** the minimum required common open space required per unit to achieve the allowed General Plan land use density.

14. On-Site Recreational Amenities: The project provide on-site recreational amenities:

Waiver requested to provide two Tier 1 and two Tier 2 on -site recreational requirements as it would negatively impact count and the ability of the project to achieve the allowed General Plan land use density.

Engineering-Site Planning

15. Continuous Sidewalks (both sides of street frontage)

Waiver requested to provide sidewalk only on **one side** of street frontage to achieve the allowed General Plan land use density and to reduce minimize impervious surface.

16. Secondary Residential Street Section (56' width)

Waiver requested to reduce the Street Sections based on project need, constraints and for the project to be developed at the allowable General Plan land use density.

Public Works¹

17. Looped Water Main to Walnut Grove

Looped Water Main will be designed to connect back to Diana Ave through the 760 Diana Ave property per coordination with 760 owner.

18. Street Connection to Diana Ave.

The project will provide a driveway for access to the public street and private residences. A curb return can be installed once the adjacent parcel is developed for the full residential street section.

¹ These items are not necessarily included at this time as formal requests for incentives or concessions and waivers or reductions of development standards as we are not sure they are in fact written development standards, much less objective standards as defined by the Housing Accountability Act. The HAA requires housing projects to comply only with objective standards (subject to the provisions of the DBL, which can be used to address objective standards that prevent projects from achieving their allowed density), and under the HAA a standard is only objective if it both involves no personal or subjective judgment by a public official AND it is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official. (Gov. Code § 65589.5(h)(7)). If these are in fact development standards, then we will address them in more detail at a later date.

RESOLUTION NO. 24-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING 18 DEVELOPMENT STANDARD WAIVERS AND ONE CONCESSION REQUEST FOR THE DIANA DIVIDEND RESIDENTIAL PROJECT CONTAINING 13 PERCENT AFFORDABLE UNITS LOCATED EAST OF CAYMAN STREET AT 730 & 760 DIANA AVENUE (APNs 726-06-013 and -015)

WHEREAS, Dividend Homes submitted an application for Diana – Dividend (Project) a single-family custom residential development project consisting of twenty-three residences.

WHEREAS, Dividend Homes has requested eighteen waivers and one concession for the housing development.

WHEREAS, the Project is a market rate housing development that includes 13 percent of the units to be restricted for-sale to qualified buyers with moderate incomes (3 units).

WHEREAS, pursuant to Government Code Section 65915(d)(2)(B), at least 13 percent of the total units will be available to persons and families of moderate income in a common interest development and therefore, is allowed one concession and unlimited waivers.

WHEREAS, the city shall grant the waivers and concession requested by the applicant unless the city makes a written finding as required by Government Code Section 65915(e)(1), based upon substantial evidence, of any of the following:

- The waiver or reduction of the development standard would have a specific, adverse impact upon health or safety and there is no feasible method to mitigate or avoid the impact. A specific adverse impact is defined as a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- The waiver or reduced development standards would have an adverse impact on any real property that is listed in the California Register of Historical Resources,
- The waiver or reduction would be contrary to state or federal law.

WHEREAS, the city shall grant the concession requested by the applicant with the condition of approval to require undergrounding of utilities along the street frontage of the project site, as determined by PG&E.

WHEREAS, pursuant to Government Code Section 65915(l), the City is not required to provide direct financial incentives for a housing development, including the provision of publicly owned land, by the city, or the waiver of fees or dedication requirements.

WHEREAS, the proposed project will provide a public benefit of a minimum of 13 percent of affordable units, for persons and families of moderate income, incorporated within the Diana project located east of Cayman Street at 730 & 760 Diana Avenue and identified by Assessor's Parcel Numbers 726-06-013 and portion of 726-06-015.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. The City Council does hereby find that the foregoing recitals are true and correct.

Section 2. The project is consistent with the Zoning Ordinance and General Plan.

Section 3. The project is eligible for the proposed waivers per the Municipal Code Section 18.48.050 within the Municipal Code.

Section 4. The City Council of the City of Morgan Hill hereby approves the waiver request for the Diana – Dividend project.

Section 5. The City Council of the City of Morgan Hill hereby approves the concession request for the Diana - Dividend project.

Section 6. This resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 6th day of November 2024 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

MARK TURNER, Mayor

MICHELLE BIGELOW, City Clerk

CERTIFICATION

I, **Michelle Bigelow, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. 24-xx, adopted by the City Council at a regular meeting held on October 23, 2024.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2024

PREPARED BY:

Joey Dinh, Associate Planner

APPROVED BY: City Manager

APPROVE OBJECTIVE DEVELOPMENT STANDARD CONCESSION REQUEST FOR THE BARNELL - HAREN PROPERTIES LLC RESIDENTIAL PROJECT AT BARNELL AVENUE AND DUNNE AVENUE (LJ COMMONS)

RECOMMENDATION(S)

Adopt a resolution approving the request for a concession to the City's Objective Development Standards for residential development.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Maintaining and Enhancing Infrastructure

Preserving and Cultivating Public Trust

Advocating for Local, Regional, and State Legislative Initiatives

2024-2025 Strategic Priorities

Affordable Housing and Homelessness

Guiding Documents

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

Barnell-Haren Properties, LLC (LJ Commons) has applied for a Design Permit for the development of a 4-unit multifamily development with two detached accessory dwelling units (ADUs) for a total of 6 units to be developed on a 0.2-acre parcel located on Barnell Avenue, approximately 0.07 miles south of its intersection with Dunne Avenue (APN 767-12-012). The proposed project is within the General Plan's Residential Attached Medium designation, which allows a residential density of 16–24 units per acre. The project provides one unit (or 17 percent of the project) to be restricted as an affordable rental unit for qualified renters with a low income. This allows the project to be eligible for a density bonus under the California Density Bonus Law (DBL) per Government Code Section 65915[b] and Section 65915[f]. By meeting the eligibility requirements of DBL, the project would qualify for two incentives or concessions and an unlimited number of waivers or reductions in development standards that could have the effect of preventing the project from constructing at its allowed density. Under State law, projects that include certain levels of affordable housing are entitled to receive

concessions and waivers based on the number of affordable units and level of affordability provided within the project. The project is not requesting a density bonus. A complete list of requested waivers and concessions has been provided (Attachment 2).

THE PROJECT:

There will be three buildings on-site. Building A will contain one 1,238-square-foot unit, Building B will contain three units of approximately 867 square feet, and Building C will contain five 1-car garages with two ADUs on the second floor. All units will be two stories. The project will provide a shared common area in the rear of the buildings with a barbecue grill, picnic table, and shaded landscaping. One electric vehicle charging station and one ADA parking space will also be on-site. The seven total on-site parking spaces are consistent with AB 2097, which grants reduced parking requirements for residential projects with less than 20 housing units and is located within 1/2 mile of Monterey Road, which is considered a high-quality public transit corridor due to Valley Transportation Agency (VTA) bus route 68 providing 15-minute headways [Gov. Code §65863.2(c)(2)]. A request for reduced parking calculation under DBL does not require a concession or waiver and may be granted by the City once the project is deemed complete. The project will meet this reduced parking requirement by providing five covered parking spaces (garages) and two uncovered spaces on-site for a total of seven parking spaces.

As proposed, the project includes one unit, or 17% affordable units for persons and families of low income, and is consistent with the General Plan. Government Code Section 65915(d)(2)(B) requires the City to grant up to two incentives or concessions and an unlimited amount of waivers unless the City makes specific written findings described below. Concessions and waivers must be approved, even if the project is not requesting an increase in density. Waivers are a form of assistance under State law, separate from incentives/concessions. A waiver is a reduction or modification of “development standards” and other regulations when those requirements potentially make the project's construction physically infeasible if not approved. Unlike concessions and incentives, there is no limit to the number of waivers an applicant can request, and applicants are entitled to a waiver of any and all development standards that would physically preclude the development at the density permitted and with the incentive(s) granted. [Gov. Code §65915(e)(1) and §65915(e)(2)] “Development standards” include a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation. [Gov. Code §65915(o)(2)]. Waivers are automatically allowed if they are necessary to achieve the full density allowed under the State Density Bonus Law. Concessions are similar to waivers but focus on cost reduction as the barrier to development. This project is entitled to up to two concessions and unlimited waivers and is requesting one concession in addition to the four waivers the Council previously approved for the project at its June 19, 2024, meeting. A complete project description and list of previously approved waivers and current concession request has been provided (Attachment 2).

The project plans are available here: [LJ Commons Plan Set](#).

CONCESSION REQUEST:

Concession: Waive City's Residential Objective Standard No. 49 – Underground Utilities. Barnell-Haren Properties, LLC is requesting a concession to waive all underground requirements. The developer states the cost of undergrounding utilities like PG&E will significantly exceed the cost of a standard utility connection and make a project of this size financially infeasible. Requiring the undergrounding may also incur carrying costs due to significant delays to project timelines because of required coordination with PG&E. Lastly, if the project is required to underground, doing so may require installation of two new utility poles along project frontages to make the connection from the existing overhead utility connection to the undergrounding points of the project site. Barnell Avenue is largely built with single-family residential homes and all homes along this side of the street connect to the existing overhead utility lines.

Can the Agency Deny a Concession/Incentive or Waiver?

Yes. Nothing within DBL requires a local government to grant an incentive or waiver that will potentially result in a specific, adverse impact upon public health, safety, the environment or on any property listed in the California Register of Historic Resources. [Gov. Code §65915(d)(1) and §65915(e)(1)].

How Do You Determine Physical Infeasibility? Waiver requests must be accompanied by sufficient documentation to demonstrate that the usual development standards would physically preclude development of the project with a density bonus. Furthermore, while the developer must justify the need for a waiver, a pro forma (or other similar analysis) is not required. An example of sufficient documentation is a written explanation of the requested waiver(s) and plans demonstrating the constraints of the project site. [Gov. Code §65915(a)(2)]. This has been provided in Attachment 2 and the linked plans.

Under Government Code 65915(e)(1), the city shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of the following:

- A. The waiver would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- B. The waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
- C. The waiver would be contrary to state or federal law.

Staff is unable to make any of these findings for the concession request. Staff recommends approval of the concession requested by the developer.

Next steps for the project include administrative review of the Design Permit by the Development Services Director.

COMMUNITY ENGAGEMENT:

When the City has completed its review of the Design Permit for the proposed project, the project will be publicly noticed with mailing to property owners within 300 feet of the project, newspaper legal noticing, and a sign posted on the project site pursuant to the Planning Division requirements.

ALTERNATIVE ACTIONS:

City Council may find the concession request to not be consistent with Government Code Section 65915(e)(1).

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

A request for four development standard waivers and one concession was reviewed by Council at its June 26, 2024 meeting. City Council passed Reso. No. 24-024 approving the four waivers and denying the one concession (Attachment 3). The full previous staff report and accompanying materials can be found here: [Staff Report for Barnell Concession & Waiver Request June 26, 2024](#)

FISCAL AND RESOURCE IMPACT:

Review costs for this project are paid for from development processing fees.

CEQA (California Environmental Quality Act):

An analysis pursuant to CEQA Guidelines has been prepared. Based on the analysis provided in the CEQA Categorical Exemption Report the proposed LJ Commons residential project was found to meet the criteria for a Class 32 Categorical Exemption pursuant to Section 15332 of the State CEQA Guidelines. The project is exempt from CEQA pursuant to CEQA Guidelines Article 19.

The full Categorical Exemption Report is available here: [LJ Commons CE Report](#)

RESOLUTION NO. 24-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING 1 DEVELOPMENT STANDARD CONCESSION FOR THE BARNELL-HAREN PROPERTIES LLC (LJ COMMONS) RESIDENTIAL PROJECT CONTAINING 17 PERCENT AFFORDABLE UNITS LOCATED SOUTHWEST OF THE INTERSECTION OF BARNELL AVENUE AND DUNNE AVENUE (APN 767-12-012).

WHEREAS, Haren Properties, LLC submitted an application for LJ Commons (Project) a multi-family residential development project consisting of four multi-family apartments and two detached accessory dwelling units.

WHEREAS, Haren Properties, LLC has requested one concession to waive the City's Residential Objective Standard No. 49 to underground utilities for the housing development.

WHEREAS, Haren Properties, LLC has previously requested 4 residential development standard waivers and one concession to waive the City's park dedication and impact fees for the project at the June 26, 2024 City Council meeting and City approved the four waivers but denied the concession request.

WHEREAS, the Project is a market rate housing development that includes 17 percent of the units to be restricted for-sale to qualified buyers with low incomes (1 low income unit).

WHEREAS, pursuant to Government Code Section 65915(d)(2)(B), at least 17 percent of the total units will be available to persons and families of low income in a common interest development and therefore, is allowed two concessions and unlimited waivers.

WHEREAS, the city shall grant the waivers and concession requested by the applicant unless the city makes a written finding as required by Government Code Section 65915(e)(1), based upon substantial evidence, of any of the following:

- The waiver or reduction of the development standard would have a specific, adverse impact upon health or safety and there is no feasible method to mitigate or avoid the impact. A specific adverse impact is defined as a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- The waiver or reduced development standards would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
- The waiver or reduction would be contrary to state or federal law.

WHEREAS, the City cannot make findings pursuant to Government Code Section 65915(d)(1)(B).

WHEREAS, the proposed project will provide a public benefit of a minimum of 17 percent of affordable units, for persons and families of low income, incorporated within the LJ Commons project located at southwest of the intersection of Barnell Avenue and Dunne Avenue and identified by Assessor's Parcel No. 767-12-012.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. The City Council does hereby find that the foregoing recitals are true and correct.

Section 2. The project is consistent with the Zoning Ordinance and General Plan.

Section 3. The project is eligible for the proposed concession per the Municipal Code Section 18.48.040 within the Municipal Code.

Section 4. The City Council of the City of Morgan Hill hereby approves the concession request for the Barnell – Haren Properties LLC (LJ Commons) project.

Section 5. This resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 6th day of November 2024 by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

APPROVED:

ATTEST:

MARK TURNER, Mayor

MICHELLE BIGELOW, City Clerk

CERTIFICATION

I, **Michelle Bigelow, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. 24-XXX, adopted by the City Council at a regular meeting held on November 6, 2024.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk

August 30, 2024

Attention-
Joey Dinh
Associate Planner
City of Morgan Hill
17575 Peak Ave.
Morgan Hill, CA 95037

RE: LJ Commons – SB330 Project Narrative
(SR2023-0015/EA2023-0007)

Haren Properties LLC is in receipt of the City of Morgan Hill's comments on the above application. Please see below for a written description of the revised project, which includes a revised project description, the scope of work for which entitlement review is being requested, and revisions to the application in response to the City's comments. This revised Project Narrative also includes a request for additional concession to waive the City's Objective Design Standard No. 49, Undergrounding Utilities.

Project Description

This 0.2-acre vacant lot (Assessor's Parcel Number: 767-12-012) is located between 16915 and 16935 Barnell Avenue, just a short walk south of West Dunne Avenue near Downtown Morgan Hill. It is within 0.5 miles of the public transportation stop at the intersection of West Dunne Avenue and Monterey Road. This four-unit multiplex project is well integrated with the existing multifamily homes in the RAL-zoned neighborhood.

The project is anticipated to construct a four-unit multiplex with two detached accessory dwelling units (ADU's) and five separate one-car parking garage stalls. The dwelling units will be two stories and range in size from 867 to 1,238 square feet, with 2 to 3 bedrooms and 1.5 to 2.5 bathrooms. The detached ADU units will be located atop the five-car parking garage and will include a 747 square feet with 2 bedrooms and 2 bathrooms, as well as another ADU unit with 702 square feet with 2 bedrooms and 1 bathroom.

Residents of the units will each have their own private backyards, with the exception of the Accessory Dwelling Units (ADU), which will have access to a shared common area with amenities such as a barbecue grill, picnic table, and shaded trees. This will provide a place for residents to gather and enjoy each other's company. Enhanced landscape design will add beauty to the surrounding community. Drought-tolerant planting will be used along the perimeter of the property and in the frontage, which will help to conserve water during this time of critical need. All units will be powered by electricity and meet the Sustainable Design requirements as an environmentally friendly project. In an effort to provide long lasting sustainability, each unit will be equipped with solar paneling and electric vehicle charging stations in the garages. This will continue the move towards the use of clean energy.

Entitlement and Design

One Below Market Rate Unit Will Be Provided Pursuant to State Density Bonus Law

Pursuant to Residential Design Standard No.1, the applicant intends to build one inclusionary below market rate unit, which is identified on the IHO checklist and architectural plans as unit "#4". The BMR unit will be rented to a lower-income household pursuant to the City's BMR rental program. By providing one BMR unit that will be affordable to a lower-income household, the project is eligible for waivers of development standards and concessions pursuant to state density bonus law, to facilitate the production of

affordable housing at a cost and density threshold that is feasible to construct. The project is eligible for two concessions given that 20% of the base units will be affordable to a lower-income household. (Gov. Code § 65915(d)(2)(C).)

Waivers of Development Standards

As noted in the attached application response, waivers to the following development standards are required, as their application would have the effect of physically precluding the construction of the proposed project at the densities permitted by state density bonus law (Gov. Code § 65915(e)). State density bonus law carries the presumption that any proposed waivers and concessions are needed to facilitate the proposed density and provision of onsite affordable units. State density bonus law imposes no requirement to supply financial backup to support the grant of cost-reduction incentives and concessions, or waivers of development standards.

Rear Setback of Property – Residential Design Standard No. 3 the property is zoned RAL 3500, however, under the general plan designation the property is zoned RAM. Whenever a requirement of an overlay zone or combining district conflicts with a requirement of the underlying base zone, the overlay zone or combining district requirement shall control. The project requests a waiver of Design Standard No. 3, because based on the constraints of the project layout the application of Standard No. 3 would preclude the project from proceeding at the level of density authorized under state density bonus law.

Parking Lot Layout – Residential Design Standard No. 19 provides that parking for the project should be dispersed throughout the project in smaller segmented parking areas, rather than the creation of a large parking lot, and that parking should be located interior to or at the back of the site where it is not visible to the street. The project requests a waiver of Design Standard No. 19 because, based on the narrow, rectangular geometry of the parcel, having dispersed or rear parking would reduce the number of units that could be built onsite and would preclude the development from proceeding at the level of density authorized under state density bonus law.

Front Porches – Residential Design Standard No. 25 provides that 50% of homes facing a street or common interior courtyard should include a front porch on the ground floor with a minimum size of 6 feet by 5 feet. The project requests a waiver of Design Standard No. 25 because, based on the narrow, rectangular geometry of the parcel, the project cannot physically accommodate larger porches. Larger porches would require other adjustments to the City's development standards, such as a reduction to the interior side setback, in order to physically accommodate the proposed units.

Balconies – Residential Design Standard No. 26 provides that 25% of homes facing a street, alley or common interior courtyard include a balcony overlooking a common area with a minimum size of 6'x4'. The project requests a waiver of Design Standard No. 26 for the same reasons above. The project site is physically constrained and balconies cannot be physically accommodated onsite without other adjustments to the City's development standards, such as a reduction to the interior side setback in order to physically accommodate the proposed units.

Incentives and Concessions

State density bonus law requires the issuance of incentives or concessions that will result in identifiable and actual cost reductions, to provide for the additional cost of providing affordable housing. (Gov. Code § 65915(k).) Concessions may include reductions in development standards, approval of mixed-uses in conjunction with housing, or any other regulatory incentives or concessions that result in identifiable cost reductions.

This project is eligible to receive two incentives or concessions, as the project is a rental project that reserves at least 20 percent of the base units to be affordable for lower-income households. (Gov. Code § 65915(d)(2)(C).)

The project requests a second concession to waive the City's Objective Design Standard No. 49, Undergrounding Utilities. As this is a locally imposed development standard, it is waivable through a concession under Gov. Code § 65915(k), as noted above. A concession is appropriate here because the construction cost of undergrounding utilities would exceed the cost of a standard utility connection by approximately \$68,625. This amount is significant for a project of this scope; therefore a concession is required under state density bonus law to make the project more financially feasible. In addition to the additional construction cost, the coordination required for this local requirement with PG&E will impose a significant delay to the project timeline, which will increase the carrying costs for this project, which is an additional financial burden. Lastly, we note that if undergrounding were required, it would effectively require two new utility poles to be installed, instead of one with an overhead utility connection, as no other houses along Barnell have underground utility connection and, given that the street is largely built out, the undergrounding the utility connections for all existing homes seems unlikely to occur in the foreseeable future.

* * *

We look forward to working with the city on this development project. Our team is committed to building a housing development that meets the needs of our community and exceeds expectations. We will use only the highest-quality materials and construction techniques to build a housing development that is safe, durable, and comfortable for the residents of Morgan Hill.

RESOLUTION NO. 24-024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING 4 DEVELOPMENT STANDARD WAIVERS AND DENYING 1 CONCESSION FOR THE BARNELL-HAREN PROPERTIES LLC (LJ COMMONS) RESIDENTIAL PROJECT CONTAINING 17 PERCENT AFFORDABLE UNITS LOCATED SOUTHWEST OF THE INTERSECTION OF BARNELL AVENUE AND DUNNE AVENUE (APN 767-12-012).

WHEREAS, Haren Properties, LLC submitted an application for LJ Commons (Project) a multi-family residential development project consisting of four multi-family apartments and two detached accessory dwelling units.

WHEREAS, Haren Properties, LLC has requested four waivers and one concession for the housing development.

WHEREAS, the Project is a market rate housing development that includes 17 percent of the units to be restricted for-sale to qualified buyers with low incomes (1 low income unit).

WHEREAS, pursuant to Government Code Section 65915(d)(2)(B), at least 17 percent of the total units will be available to persons and families of low income in a common interest development and therefore, is allowed two concessions and unlimited waivers.

WHEREAS, the city shall grant the waiver requested by the applicant unless the city makes a written finding as required by Government Code Section 65915(e)(l), based upon substantial evidence, of any of the following:

The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The waiver or reduced development standards would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or the waiver or reduction would be contrary to state or federal law.

WHEREAS, pursuant to Government Code Section 65915(l), the City is not required to provide direct financial incentives for a housing development, including the provision of publicly owned land, by the city, , or the waiver of fees or dedication requirements

WHEREAS, the proposed project will provide a public benefit of a minimum of 17 percent of affordable units, for persons and families of low income, incorporated within the LJ Commons project located at southwest of the intersection of Barnell Avenue and Dunne Avenue and identified by Assessor's Parcel No. 767-12-012.

City of Morgan Hill
Resolution No. 24-024
Page 2 of 2

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. The City Council does hereby find that the foregoing recitals are true and correct.

Section 2. The project is consistent with the Zoning Ordinance and General Plan.

Section 3. The project is eligible for the proposed waivers per the Municipal Code Section 18.48.050 within the Municipal Code.

Section 4. The City Council of the City of Morgan Hill hereby approves the waiver request for the Barnell – Haren Properties LLC (LJ Commons) project.

Section 5. The City Council of the City of Morgan Hill hereby denies the concession request for the Barnell – Haren Properties LLC (LJ Commons) project.

Section 6. This resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 26th day of June 2024 by the following vote:

AYES:	COUNCIL MEMBERS:	Gino Borgioli, Marilyn Librers, Mark Turner, Rene Spring
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Yvonne Martinez Beltran

APPROVED:

ATTEST:

DocuSigned by:

Mark Turner

MARK TURNER, Mayor

DocuSigned by:

Michelle Bigelow

MICHELLE BIGELOW, City Clerk

CERTIFICATION

I, **Michelle Bigelow, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. 24-024, adopted by the City Council at a regular meeting held on June 26, 2024.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 7/8/2024

DocuSigned by:

Michelle Bigelow

MICHELLE BIGELOW, City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2024

PREPARED BY:

Chris Ghione, Public Services Director

APPROVED BY: City Manager

APPROVE THE FY 2024-25 WORK PLANS FOR THE LIBRARY, CULTURE AND ARTS COMMISSION AND THE PARKS AND RECREATION COMMISSION

RECOMMENDATION(S)

Review and approve the FY 2024-25 Work Plans for the Library, Culture and Arts Commission and the Parks and Recreation Commission.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Protecting the Environment and Preserving Open Space and Agricultural Land

Maintaining and Enhancing Infrastructure

Supporting our Youth, Seniors, and Entire Community

Preserving our Community History

Enhancing Diversity and Inclusiveness

2024-2025 Strategic Priorities

Community Engagement

Economic Development and Tourism

Healthy Community

Guiding Documents

Bikeways, Trails, and Recreation Master Plan

REPORT NARRATIVE:

Annually, the Library, Culture and Arts Commission (LCAC) and the Parks and Recreation Commission (PRC) submit Work Plans for approval by the City Council. After approval by the Council, the commissions use these Work Plans to guide their work over the next year. City staff believe that the Work Plans of the PRC and the LCAC can be achieved with moderate impact on staff resources. As has been the case in past years, many commissioners have volunteered to take on some of the legwork associated with the specific Work Plan items. This is critical as both commissions continue to be staffed at minimal levels.

Both Commissions' Work Plans include items carried forward from the previous fiscal years as well as new items. The carry forward items are due to limitations on available

City staff resources and aggressive Work Plan items established by the Commissions. Some items are also multi-year in nature.

COMMUNITY ENGAGEMENT:

Consult

The development of the Work Plans occurred at noticed public meetings of the PRC and the LCAC. Specific Work Plan items will include appropriate public engagement.

ALTERNATIVE ACTIONS:

The Council could alternatively modify a Commission's Work Plan to eliminate, add, or change specific items within a Work Plan.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The PRC approved their Work Plan for City Council review on August 20, 2024 and the LCAC approved their Work Plan for the City Council review on September 3, 2024.

FISCAL AND RESOURCE IMPACT:

There is no direct fiscal impact associated with the approval of the Commission Work Plans. Each Work Plan identifies the estimated staff resources necessary to support the specific Work Plan items. Supporting the LCAC and PRC is an ongoing activity for the Public Services Department.

CEQA (California Environmental Quality Act):

Not a Project

Development of Commission Work Plans is an administrative activity of government that will not result in direct or indirect physical changes in the environment. While some projects on the Work Plans may result in changes to the physical environment, those projects would undergo appropriate environmental review on a project by project basis to meet CEQA requirements.

Library, Culture & Arts Commission
FY 2024-2025 Work Plan
DRAFT

Overall Mission: To assist the City Council in accomplishing its goals by fostering an environment conducive to and supportive of the arts, culture, and life-long learning in Morgan Hill, working with existing community groups to promote resources, and facilitate partnerships.

Project Area	City Council Goal Supported	Staff Resources Required	Specific Task / Commissioners Assigned
Project Area 1 Community Outreach	Supporting our Youth, Seniors, and Entire Community Enhancing Diversity and Inclusiveness Community Outreach, Engagement, and Messaging	PS Director (minimal) CS Supervisor (moderate)	(1.a) Participate with other groups to support community outreach and support arts and culture in the community (including Valle del Sur, El Toro Arts, SV Creates, Poppy Jasper International Film Festival, Morgan Hill Diwali Festival, Coyote Creek Music Festival, SJMA Let's Look at Art, Movimiento de Arte y Cultura Latino Americana, Juneteenth, Kwanzaa, Caribbean Meet and Greet, South Valley Civic Theater) (All) (1.b) Explore development of a calendar relating to library, culture and arts activities/events and/or development of a publication plan for upcoming events (Lyn/Rose/Carrillo) (1.c) Support arts programming in conjunction at the Morgan Hill Magical Bridge Playground (All) (1.d) Use social media for promotion of Commission initiatives (Ganapathy/Carrillo) (1.e) Develop outreach program to the Latinx community through art programming (Santiago/Lyn/Carrillo) (1.f) Continue open art studio program (physical) (Blanton/Ganapathy) (1.g) Explore opportunities for youth engagement in arts through tabling at events with youth (Ganapathy/Rose) (1.h) Continue the "Morgan Hill Stands United Against Hate" campaign (Ganapathy/Santiago/Blanton)
Project Area 2 Art and Culture Events	Supporting our Youth, Seniors, and Entire Community Enhancing Diversity and Inclusiveness	PS Director (minimal) CS Coordinator (minimal) CS Supervisor (minimal)	(2.a) Facilitate the Art a la Carte event (Lyn is the lead/all members will support)

Project Area	City Council Goal Supported	Staff Resources Required	Specific Task / Commissioners Assigned
Project Area 3 Permanent and Proposed Public Art	Supporting our Youth, Seniors, and Entire Community Enhancing Diversity and Inclusiveness	PS Director (moderate) Maintenance Manager (minimal)	(3.a) Complete an Art Master Plan (Santiago/Ganapathy are Leads, All Support) (3.b) Review art inventory and complete updates to historical items list (Lyn/Ganapathy/Rose/Carrillo) (3.c) Update public art webpage (Rose) (3.d) Develop and recommend a plan for the use of Public Arts Funds (All) (3.e) Creating an artist registry (Lyn/Santiago) (3.f) Explore creation of digital artwork brochure (Carrillo) (3.g) Continue implementation of the utility box art program (Ganapathy/Blanton/Lyn) (3.h) Form subcommittees as needed to support specific art requests that come forward (All)
Project Area 4 Library Outreach and Support	Supporting our Youth, Seniors, and Entire Community Enhancing Diversity and Inclusiveness	Library Staff (minimal)	(4.a) Support Library outreach and advocacy as needed (All) (4.b) Participate in annual Library Commissioners Forum (All) (4.c) Support Children's art show at the Library (Blanton/Carrillo) (4.d) Support Adaptive programming (Rose/Carrillo) (4.e) Support Storywalk (All)
Project Area 5 Support of Historical Resources	Preserving our Community History	PS Director (minimal)	(5.a) Support outreach and advocacy for the Historical Society as needed (Santiago) (5.b) Update City Historical Artifact Inventory in coordination with item 3.b. (Lyn/Ganapathy/Rose) (5.c) Explore adoption of Land Acknowledgement Statement for the Commission (All)

Staff Resources Required:

0-30 hours: Minimal; 31-60 hours: Moderate; 60+ hours: Significant

Future Potential Items (Parking Lot)

- 1) Explore other opportunities for Library art contests in other media (examples: poetry, photography, literature).
- 2) Create a Morgan Hill coloring book in partnership with local artists
- 3) Implement second annual International Celebration utilizing entertainment and food from various cultures
- 4) Explore opportunities for the Commission to support the Morgan Hill Historical Society partnership, including supporting the Black History Project
- 5) Explore public art related to a homelessness outreach mural (Santiago)
- 6) Partner with artist to complete a community mural (Santiago/Blanton/Ganapathy)

Parks & Recreation Commission

FY 2024-25 Work Plan – Draft for Council Review

Project	City Council Priority Supported	Staff Resources Required	Desired Outcome (Commissioner Responsible)
1. Motivate the next generation to get more active in Parks and Recreation	Supporting Our Youth, Seniors & Entire Community	Recreation Manager (Minimal)	1. Review program opportunities for new youth programming. (Maniar/Vittal/Chabra) 2. Work with City staff to review opportunities to more formally include youth (YAC and other youth) in park planning. (Vittal)
2. Support bicycle and trails development efforts	Supporting Our Youth, Seniors & Entire Community	PS Director (Minimal)	Work to coordinate with community members on bicycle and trails issues with volunteer Bicycle and Pedestrian Advocacy Group. (Zargar)
3. Support the Morgan Hill Magical Bridge ongoing operations	Supporting Our Youth, Seniors & Entire Community	Recreation Supervisor and Coordinator (Moderate)	Support and enhance the ongoing volunteer and ambassador efforts at the Morgan Hill Magical Bridge Playground, including a youth volunteer program. (Vittal/Maniar/Chabra)
4. Support City in grant opportunities	Supporting Our Youth, Seniors & Entire Community Fiscal Sustainability	PS Director (Moderate) Mngt Analyst (Moderate)	Support City staff in identifying and evaluating grant opportunities and associated projects. (Maniar/Zargar/Chabra)
5. Increase volunteer Adopt a Park Program participation	Supporting Our Youth, Seniors & Entire Community Fiscal Sustainability	PS Director (Minimal) CS Supervisor (Minimal)	Support efforts to identify volunteers for tree establishment watering. (Zargar/Moniz)
6. Support City park planning efforts	Supporting Our Youth, Seniors & Entire Community	PS Director (Minimal)	1. Evaluate future opportunities for parkland acquisition and development. (van Keulen) 2. Research opportunities for the creation of additional dog parks in existing or new park spaces. (Moniz) 3. Review options for the future of the Community Park Pond. (All)
7. Support the Annual Open Streets Event	Supporting Our Youth, Seniors & Entire Community	PS Director (Minimal) CS Supervisor (Moderate)	Support the planning and implementation of the annual Open Streets Event. (Moniz/Vittal/Chabra/Lucido)

Project	City Council Priority Supported	Staff Resources Required	Desired Outcome (Commissioner Responsible)
8. Explore Park and Outdoor Recreation Activation Opportunities	Supporting Our Youth, Seniors & Entire Community	PS Director (Minimal) CS Supervisor (Minimal) Recreation Manager (Minimal) Recreation Coordinator (Moderate)	1. Explore the opportunity to develop and implement an “Art in the Park” event, program or improvement. (Moniz/Chabra) 2. Review the opportunity to implement free fitness opportunities in parks in partnership with local fitness advocates. (Zargar) 3. Review the potential to organize social events with DJs and encourage families to picnic at the park for a chance for communal gatherings with sports and activities. (Zargar/Chabra) 4. Review opportunity to implement outdoor education workshop sessions for seniors. (Chabra)
9. Develop Health and Wellness Fair for the General Community	Supporting Our Youth, Seniors & Entire Community	Recreation Coordinator (Moderate)	Organize a health and wellness community resource fair. (Vittal/ Lucido/Chabra)
Staff Resources Required: 0-50 hours = Minimal 51-100 hours = Moderate 100+ hours = Significant			

CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2024

PREPARED BY:

Kim Mancera, Deputy City Clerk

APPROVED BY: City Manager

APPROVE THE 2025 CITY COUNCIL MEETING SCHEDULE

RECOMMENDATION(S)

Review, discuss, if needed, amend, and approve the 2025 City Council meeting schedule.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

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

2024-2025 Strategic Priorities

Fiscal Sustainability

Affordable Housing and Homelessness

Community Engagement

Economic Development and Tourism

Healthy Community

REPORT NARRATIVE:

The City Council has adopted City Council Policy CP-06-02 regarding its meeting schedule. The team requests that the City Council review its meeting schedule through the beginning of February 2026 (see attached). The following meetings are proposed to be canceled or scheduled:

1. January 1st regular meeting of the City Council canceled per Council Policy CP-06-02. (Cancel)
2. January 22nd regular meeting of the City Council canceled to allow the Mayor and Council Members to attend the CalCities New Mayor and Council Conference. (Cancel)

3. February 5th regular meeting of the City Council canceled to allow the City Manager to attend the City Managers Conference. (Cancel)
4. July 2nd, July 16th, and July 23rd regular meetings of the City Council canceled pursuant to Council Policy CP-06-02. (Cancel)
5. August 6th regular meeting of the City Council canceled pursuant to extend the summer break. (Cancel)
6. September 24th regular meeting of the City Council canceled in observance of Rosh Hashanah. (Cancel)
7. October 1st regular meeting of the City Council canceled in observance of Yom Kippur. (Cancel)
8. November 26th regular meeting of the City Council canceled pursuant to Council Policy CP-06-02. (Cancel)
9. December 24th regular meeting of the City Council canceled pursuant to Council Policy CP-06-02. (Cancel)
10. January 7, 2026 regular meeting of the City Council canceled per Council Policy CP-06-02. (Cancel)

Given the above information, the City Council may wish to retain, adjust, and/or cancel regularly scheduled meetings.

COMMUNITY ENGAGEMENT:

This report serves to inform the public of the 2025 City Council meeting schedule.

ALTERNATIVE ACTIONS:

Not Applicable.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council reviews the meeting schedule annually.

FISCAL AND RESOURCE IMPACT:

There is no fiscal impact associated with this action.

CEQA (California Environmental Quality Act):

Not a Project. Administrative activities of governments that do not result in direct physical changes in the environment do not qualify as a project for purposes of CEQA.

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP-06-02

SUBJECT: CITY COUNCIL MEETING SCHEDULE

EFFECTIVE DATE: April 1, 2023

ORIGINATING DEPT: City Clerk

The City Council has ordained that regular meetings are to be held on the first, third, and fourth Wednesdays of every month at 6:00 p.m. In the event of a legal holiday occurring on a regular City Council meeting day, the meeting(s) will be canceled. Should the Mayor and City Manager determine that the third meeting of the month is not necessary, they shall have the authority to cancel the meeting.

The City Council desires to take official legislative recesses, at various times, to accommodate community and civic commitments, vacations, and the City's operations schedule. As such, the following meeting schedule will apply for the months of January, July, September, October, November and December of every year:

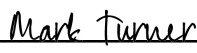
- For the month of January, should the City furlough its employees the last week in December, the first meeting in January shall be canceled.
- The Council will hold its annual Goal Setting retreat the first Friday and Saturday of February.
- The Council will hold its annual Budget Workshop during the month of May.
- For the month of July, all meetings are to be canceled for summer recess.
- For the months of September and October, regular meetings will be held on the first, third, and fourth Wednesdays, beginning at 6:00 p.m.; unless the meeting date falls on Rosh Hashanah or Yom Kippur. In which case, said meeting will be canceled.
- For the month of November, regular meetings will be held on the first, third, and fourth Wednesdays, beginning at 6:00 p.m.; unless the Wednesday meeting date falls the day before the Thanksgiving Holiday. In which case, said meeting will be canceled.
- For the month of December, regular meetings will be held on the first, third, and fourth Wednesdays, beginning at 6:00 p.m.; unless the Wednesday meeting date(s) fall on the Christmas Holiday and/or during the Holiday furlough. In which case, said meeting(s) will be canceled.

The City Council shall have the ability to adjust and/or add other meeting dates, as deemed appropriate.

This policy shall remain in effect until modified by the City Council respectively.

APPROVED:

DocuSigned by:



MARK TURNER, Mayor

DRAFT 2025 City Council Meeting Schedule

Meeting Date	Type of Meeting	Notes
1/1/2025 Wednesday	Regular CC	Canceled per Council Policy (CP 06-02)
1/15/2025 Wednesday	Regular CC	
01/22/2025 Wednesday	Regular CC	Canceled New Mayor and Council Conference
02/05/2025 Wednesday	Special CC	Canceled Subsequent Goal Setting
02/07/2025 Friday	Special CC	Goal Setting Workshop – Day 1 9:00 am – 5:00 pm
02/08/2025 Saturday	Continued from 02/07/2025	Goal Setting Workshop – Day 2 9:00 am – 5:00 pm
02/19/2025 Wednesday	Regular CC	
02/26/2025 Wednesday	Regular CC	
03/05/2025 Wednesday	Regular CC	
03/19/2025 Wednesday	Regular CC	
03/26/2025 Wednesday	Regular CC	
04/02/2025 Wednesday	Regular CC	
04/16/2025 Wednesday	Regular CC	
04/23/2025 Wednesday	Regular CC	
05/07/2025 Wednesday	Regular CC	
05/21/2025 Wednesday	Regular CC	
5/28/2025 Wednesday	Regular CC	
06/04/2025 Wednesday	Regular CC	
06/18/2025 Wednesday	Regular CC	

DRAFT 2025 City Council Meeting Schedule

Meeting Date	Type of Meeting	Notes
06/25/2025 Wednesday	Regular CC	
07/02/2025 Wednesday	Regular CC	Canceled per Council Policy (CP 06-02)
07/16/2025 Wednesday	Regular CC	Canceled per Council Policy (CP 06-02)
07/23/2025 Wednesday	Regular CC	Canceled per Council Policy (CP 06-02)
08/06/2025 Wednesday	Regular CC	Canceled Summer recess
08/20/2025 Wednesday	Regular CC	
08/27/2025 Wednesday	Regular CC	Mid-Year Goal Check-in Workshop 5:00 pm
09/03/2025 Wednesday	Regular CC	
09/17/2025 Wednesday	Regular CC	
09/24/2025 Wednesday	Regular CC	Canceled per Council Policy (CP 06-02) Rosh Hashanah
10/01/2025 Wednesday	Regular CC	Canceled per Council Policy (CP 06-02) Yom Kippur
10/15/2025 Wednesday	Regular CC	
10/22/2025 Wednesday	Regular CC	
11/05/2025 Wednesday	Regular CC	
11/19/2025 Wednesday	Regular CC	
11/26/2025 Wednesday	Regular CC	Canceled per Council Policy (CP 06-02)
12/03/2025 Wednesday	Regular CC	
12/17/2025 Wednesday	Regular CC	

DRAFT 2025 City Council Meeting Schedule

Meeting Date	Type of Meeting	Notes
12/24/2025 Wednesday	Regular CC	Canceled per Council Policy (CP 06-02)
1/7/2026 Wednesday	Regular CC	Canceled per Council Policy (CP 06-02)
1/21/2026 Wednesday	Regular CC	
1/28/2026 Wednesday	Regular CC	
02/04/2026 Wednesday	Regular CC	Canceled per Council Policy (CP 06-02)
02/06/2026 Friday	Special CC	Goal Setting Workshop – Day 1 9:00 am – 5:00 pm
02/07/2026 Saturday	Continued from 02/07/2026	Continued Goal Setting Workshop – Day 2 9:00 am – 5:00 pm



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, October 23, 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.

SPECIAL MEETING

5:00 p.m. Special Meeting

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

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the 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 Mark Turner shared that he along with Council Members Librers, Borgioli, and Martinez Beltran attended the Cal Cities Annual Conference last week. The annual conference offers educational leadership sessions as well as general sessions with opportunities to hear various speakers. This is a great networking opportunity to network with other elected officials as well. He attended Valley Water's Water Solutions Summit, which addressed the unhoused camping along creeks. He attended the public art conversation last week and mentioned there was a great turn out.

CITY MANAGER'S REPORT

City Manager Christina Turner encouraged the community to drive by the new fire station being built on Butterfield Boulevard. She spoke about the Manufacture Morgan Hill Campaign. She also mentioned that the Economic Development Team collaborated with the Chamber of Commerce to host tours for 50 local high school students at Creative Manufacturing Solutions, Toray Advanced Composites, and the Shoe Palace Headquarters. She concluded by introducing the City's newly hired and promoted teammates, as well as announcing the recently retired teammate.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no report.

OTHER REPORTS

Council Member Martinez Beltran shared that she attended the Santa Clara County Court System Legislators Day on October 3rd. She attended the Voices Grand opening and the Coming Out night with Rebekah's Childrens Services. Her girls participated in the Young Eagles Flights, which was a great experience. She announced that she has been re-elected to the Board of Directors for the Peninsula Division Executive Board and voted on to the Board of Directors for the League of CA Cities. She concluded by announcing that on October 26th there will be the Dia de los Muertos Day of the Dead celebration.

PUBLIC COMMENT

Public comment opened at 5:42 p.m.

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

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 consent calendar items 1, and 3 through 9.

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

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.

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.

ITEM PULLED FOR DISCUSSION

2. **ADOPT RESOLUTION SUPPORTING PROPOSITION 36**

Recommendation:

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

Police Chief Palsgrove provided a report.

Public comment opened at 5:51 p.m. There were no requests to speak, so public comment was closed.

MOTION:

Approving the recommended action.

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

REGULAR MEETING

6:00 p.m.

Other Business Item 12 was heard first.

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.

Assistant City Manager for Development Services Edith Ramirez introduced the item and turned the presentation and report over to Development Services Consultant Andrew Crabtree and Development Services Director Jennifer Carman.

The public hearing opened at 7:48 p.m. The following people were called to speak:

Ben Caragan (Zoom)

Kerri Watt (Zoom)

Deborah Africa

There were no further requests to speak, so the public hearing was closed.

SUBSTITUTE MOTION:

Approve as a tiered increase of 50%, 25%, 25% over the next three years.

RESULT:	Failed for lack of a second
----------------	-----------------------------

MOVER:	Mayor Pro Tem Librers
SECONDER:	None

MOTION:

Approving the recommended action.

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

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.

City Attorney Larkin provided the report.

The public hearing opened at 8:31 p.m. There being no requests to speak, the public hearing closed.

MOTION:

Waiving the first and second reading.

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

ABSTAIN:	None
ABSENT:	Council Member Spring

MOTION:

Introducing the ordinance.

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

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.

Assistant City Manager for Development Services Edith Ramirez provided a report and presentation.

Public comment opened at 6:22 p.m. The following people were called to speak:

Malisha Kumar

Yvonne Randolph

Mattie Scariot

Amanda Santiago

There were no further requests to speak, so the public comment was closed.

MOTION:

Directing staff to discuss a commercial linkage fee before moving forward with the public art fee.

RESULT:	Failed for lack of a second
MOVER:	Martinez Beltran

SECONDER:	None
------------------	------

MOTION:

Approving the recommended action, including performing arts and a .5% fee for affordable housing.

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

The meeting recessed at 6:44 p.m. and reconvened at 6:56 p.m.

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.

Executive Director of Visit Morgan Hill Krista Rupp provided a report and presentation.

Public comment opened at 8:51 p.m. There were no requests to speak, so public comment was closed.

Report accepted.

14. ACCEPT ELEVATE MORGAN HILL - ECONOMIC MOBILITY REPORT

Recommendation:

Accept the ELEVATE Morgan Hill - Economic Mobility Report.

Assistant City Manager for Development Services Edith Ramirez provided a report and presentation.

Public comment opened at 9:07 p.m.

Yvonne Randolph was called to speak.

There being no further requests to speak, public comment was closed.

Report received.

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

Recommendation:

Accept and file report.

Finance Director Dat Nguyen provided a report and presentation.

Public comment opened at 9:16 p.m. There being no requests to speak, public comment closed.

Report received.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran requested an item to review zoning around schools to prohibit bars.

Council Member Borgioli requested a disaster preparedness presentation.

Council Member Borgioli requested a conversation regarding e-bikes on walking paths and a possible ordinance.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 9:17 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2024

PREPARED BY:

Carlos Alcantar

APPROVED BY: City Manager

AUTHORIZE PURCHASE OF FIRE DEPARTMENT REPLACEMENT VEHICLE INCLUDING THE OUTFITTING OF EMERGENCY EQUIPMENT

RECOMMENDATION(S)

1. Recognize an insurance proceed payout of \$24,301 for the replacement of the Fire Department vehicle F12001; and
2. Amend the Adopted Fiscal Year (FY) 2024-25 Budget in the Equipment Replacement Fund (Fund 790) which includes a 10% contingency of \$8,889, for the purchase and outfitting of replacement vehicle F12001 with a 2024 Ford F250 Truck for the Fire Department; and
3. Authorize the City Manager to execute and administer the associated purchase agreement.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety and Quality of Life

2024-2025 Strategic Priorities

Fiscal Sustainability

Guiding Documents

Fire Services Standards of Coverage

Public Safety Master Plan

REPORT NARRATIVE:

On May 31, 2024, a Fire Department vehicle, a 2012 F250 pickup truck, was involved in a traffic collision and suffered significant rear-end damage. The vehicle is no longer roadworthy, and the City's insurance carrier has declared the vehicle a "total loss". The City has received an insurance settlement of approximately \$24,301.

The Fire Department has no surplus vehicle inventory and needs to replace the vehicle as soon as possible. Staff recommends purchasing a 2024 Ford F250.

There are insufficient budget appropriations for the replacement and outfitting of the vehicle, as this was an unforeseeable event, and Council's authorization of the budgetary appropriations is required. The total replacement, outfitting, and striping cost will be approximately \$97,770, which includes a 10% contingency of \$8,889.

Staff has obtained three bids for the replacement vehicle.

Vehicle Dealership	Price
Salinas Valley Ford	\$64,307 plus taxes and fees
Greenwood Ford	\$65,263 plus taxes and fees
The Ford Store Morgan Hill	\$65,757 plus taxes and fees

At \$64,307 (plus tax and fees), Salinas Valley Ford's price is 2.2% lower than the local vendor, negating any benefits of the 1% local preference. Staff recommends accepting the Salinas Valley Ford bid for the purchase of the vehicle.

Staff has obtained three bids for the vehicle outfitting.

Vehicle Outfitter	Price
NextGen Alpha Upfitting	\$21,974 plus taxes and fees
Nor Cal EVI	\$23,374 plus taxes and fees
LEHR Auto	\$26,558 plus taxes and fees

Staff recommends accepting the NextGen Alpha Upfitting bid for the outfitting of the vehicle at \$21,974.

Staff has determined the cost of graphics and striping at \$2,600.

COMMUNITY ENGAGEMENT:

Inform.

This staff report serves to inform the community of the recommended vehicle replacement purchase.

ALTERNATIVE ACTIONS:

City Council could elect not to authorize the purchase. However, this would leave the Department without an adequate vehicle for the command and control of Fire Department operations.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

None.

FISCAL AND RESOURCE IMPACT:

Due to the unforeseen replacement of a collision-involved vehicle, a budget amendment to the Adopted FY 2024-25 Budget to appropriate \$97,770 from the Equipment Replacement Fund for the purchase, outfitting, and striping of replacement vehicle

F12001 is needed. Including the insurance proceeds, the net cost of the vehicle replacement is \$64,580 (excluding contingency).

CEQA (California Environmental Quality Act):

Not a Project.

Continuing administrative activities, such as purchases of supplies and equipment, is not a project subject to environmental review.

CITY OF MORGAN HILL

BID QUOTATION FORM (FOR ALL PURCHASES OVER \$5,000)

DEPARTMENT: Fire Department DATE: 10/25/2024
(FUND - DEPARTMENT - OBJECT)

ITEM DESCRIPTION: Vehicle F12001 Replacement

VENDOR QUOTATIONS

	BID AMOUNT *
Vendor Name: <u>Salinas Valley Ford Trucks</u>	\$ <u>64,306.55</u>
Address: <u>1100 Auto Center Cir</u>	
<u>Salinas, CA 93907</u>	
Contact: _____ Phone: <u>(831) 444-4485</u>	
Comments: _____	

Vendor Name: <u>Greenwood Ford</u>	\$ <u>65,262.21</u>
Address: <u>300 Gateway Dr</u>	
<u>Hollister, CA 95023</u>	
Contact: _____ Phone: <u>(831) 271-1016</u>	
Comments: _____	

Vendor Name: <u>The Ford Store Morgan Hill</u>	\$ <u>65,756.83</u>
Address: <u>17045 Condit Rd</u>	
<u>Morgan Hill, CA 95037</u>	
Contact: _____ Phone: <u>(408) 782-8202</u>	
Comments: _____	

* BID AMOUNTS MUST INCLUDE SALES/USE TAX AND SHIPPING COSTS

SUCCESSFUL VENDOR was chosen because: **(Check One)**

☒ LOW BID ☐ SOLE SOURCE ☐ QUALITY ☐ SERVICE
☐ OTHER: _____

PERSON OBTAINING: Fleet Equipment Manager

Prepared for: [REDACTED] CAL FIRE
17575 PEAK AVE
MORGAN HILL, CA 95037

2024 F-250 4x4 SD Crew Cab 6.75' box 160" WB SRW XL (W2B)

Price Level: 425



Client Proposal

Prepared by:
KAMAL DOAD
Office: 831-760-9166
Email: KAMAL@SALINASVALLEYFORD.COM
Date: 10/22/2024



Prepared for: [REDACTED]



CAL FIRE
Prepared by: KAMAL DOAD
10/22/2024

Salinas Valley Ford Trucks | 1100 Auto Center Cir Salinas CA | 93907

2024 F-250 4x4 SD Crew Cab 6.75' box 160" WB SRW XL (W2B)

Price Level: 425

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Window Sticker.....	6

Prepared for: [REDACTED]



CAL FIRE
Prepared by: KAMAL DOAD
10/22/2024

Salinas Valley Ford Trucks | 1100 Auto Center Cir Salinas CA | 93907

2024 F-250 4x4 SD Crew Cab 6.75' box 160" WB SRW XL (W2B)

Price Level: 425

As Configured Vehicle

Code	Description	MSRP
W2B	Base Vehicle Price (W2B)	\$51,560.00
600A	Order Code 600A	N/C
99N	Engine: 7.3L 2V DEVCT NA PFI V8 Gas	\$1,705.00
44G	Transmission: TorqShift 10-Speed Automatic	N/C
X37	3.73 Axle Ratio	Included
68U	F-250 >10K GVWR Package	Included
TDX	Tires: LT275/70Rx18E BSW A/T (4)	Included
64S	Wheels: 18" Ebony Black Painted Aluminum	Included
1	Cloth 40/20/40 Split Bench Seat	Included
160WB	160" Wheelbase	STD
PAINT	Monotone Paint Application	STD
STDRD	Radio: AM/FM Stereo w/MP3 Player	Included
17S	STX Appearance Package	\$5,115.00
874	360-Degree Camera Package	Included
66L	LED Box Lighting	Included
WARANT	Fleet Customer Powertrain Limited Warranty	N/C
425	50-State Emissions System	STD
Z1_01	Oxford White	N/C
1S_06	Medium Dark Slate w/Cloth 40/20/40 Split Bench Seat	N/C
SUBTOTAL		\$58,380.00
Destination Charge		\$1,995.00
TOTAL		\$60,375.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: [REDACTED]



CAL FIRE
Prepared by: KAMAL DOAD
10/22/2024

Salinas Valley Ford Trucks | 1100 Auto Center Cir Salinas CA | 93907

2024 F-250 4x4 SD Crew Cab 6.75' box 160" WB SRW XL (W2B)

Price Level: 425

Pricing Summary - Single Vehicle

		MSRP
<i>Vehicle Pricing</i>		
Base Vehicle Price		\$51,560.00
Options		\$6,820.00
Colors		\$0.00
Upfitting		\$0.00
Fleet Discount		\$0.00
Fuel Charge		\$0.00
Destination Charge		\$1,995.00
Subtotal		\$60,375.00
<i>Pre-Tax Adjustments</i>		
Code	Description	MSRP
0000	Salinas Valley Ford Discount	-\$1,569.00
Subtotal		\$58,806.00
<i>Sales Taxes</i>		
Code	Description	MSRP
0388	Sales Tax 9.125%	\$5,373.80
Subtotal		\$64,179.80
<i>Post-Tax Adjustments</i>		
Code	Description	MSRP
5454	DOC FEE	\$85.00
EDF	ELECTRONIC FILING FEE	\$33.00
TIRE FEE	TIRE FEE	\$8.75
Subtotal		\$64,306.55
Total		\$64,306.55

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Prepared for: [REDACTED]



CAL FIRE
Prepared by: KAMAL DOAD
10/22/2024

Salinas Valley Ford Trucks | 1100 Auto Center Cir Salinas CA | 93907

2024 F-250 4x4 SD Crew Cab 6.75' box 160" WB SRW XL (W2B)

Price Level: 425

Pricing Summary - Single Vehicle

Customer Signature

Acceptance Date

Prepared for: [REDACTED]

CAL FIRE
Prepared by: KAMAL DOAD
10/22/2024



Salinas Valley Ford Trucks | 1100 Auto Center Cir Salinas CA | 93907

2024 F-250 4x4 SD Crew Cab 6.75' box 160" WB SRW XL (W2B)

Price Level: 425

Major Equipment

(Based on selected options, shown at right)	Exterior: Oxford White
TorqShift 10-speed automatic	Interior: Medium Dark Slate w/Cloth 40/20/40 Split Bench Seat
* 18 x 8-inch front and rear black aluminum wheels	* Class V tow rating
* LT275/70RS18 AT BSW front and rear tires	* Front tires LT load rating: E
* Overdrive transmission	* Lock-up transmission
* Transmission electronic control	* Alternator Amps: 160A
* Stainless steel single exhaust	* All-speed ABS and driveline traction control
* Battery rating: 750CCA	* HD lead acid battery
* Battery run down protection	* Injection Type: sequential MPI
* Fuel tank capacity: 34.00 gal.	* Steering wheel mounted audio controls
* Bluetooth wireless audio streaming	* 8 inch primary display
* AM/FM stereo radio	* AM/FM
* Seek scan	* SYNC 4 external memory control
* Vehicle body length: 250.0"	* Wheelbase: 160.0"
* Cab to axle: 39.9"	* Axle capacity rear: 7,280 lbs.
* Tire/wheel capacity rear: 7,180 lbs.	* Axle capacity front: 6,000 lbs.
* Spring rating front: 4,800 lbs.	* Firm ride suspension
* Trip computer	* Power door mirrors
* Heated driver and passenger side door mirrors	* Manual folding door mirrors
* DRL preference setting	* LED daytime running lights
* Light tinted windows	* Variable intermittent front windshield wipers
* Manual climate control	* Rear under seat climate control ducts

As Configured Vehicle

	MSRP
STANDARD VEHICLE PRICE	\$51,560.00
Order Code 600A	N/C
3.73 Axle Ratio	Included
160" Wheelbase	STD
Monotone Paint Application	STD
Radio: AM/FM Stereo w/MP3 Player	Included
Fleet Customer Powertrain Limited Warranty	N/C
50-State Emissions System	STD
SYNC 4	Included
Engine: 7.3L 2V DEVCT NA PFI V8 Gas	\$1,705.00
Transmission: TorqShift 10-Speed Automatic	N/C
STX Appearance Package	\$5,115.00
360-Degree Camera Package	Included
360-Degree Camera System	Included
BLIS w/Cross-Traffic Alert	Included
LED Center High-Mounted Stop Lamp (CHMSL)	
Camera	Included
Rear Parking Sensors	Included
Automatic High Beam	Included

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Prepared for: [REDACTED]

CAL FIRE

Prepared by: KAMAL DOAD

10/22/2024



Salinas Valley Ford Trucks | 1100 Auto Center Cir Salinas CA | 93907

2024 F-250 4x4 SD Crew Cab 6.75' box 160" WB SRW XL (W2B)

Price Level: 425

Major Equipment

* Driver front impact airbag	* Seat mounted side impact driver airbag
* Passenger front impact airbag	* Seat mounted side impact front passenger airbag
* 6 airbags	* AdvanceTrac w/Roll Stability Control electronic stability control system with anti-rollover
* Manual rear child safety door locks	* SecuriLock immobilizer
* Fixed rear seats	* 60-40 folding rear seats
* Front facing rear seat	* Fold-up rear seat cushion
* Height adjustable rear seat head restraints	* Manual rear seat head restraint control
* 3 rear seat head restraints	* Split-bench rear seat
* 40-20-40 split-bench front seat	* Driver seat with 4-way directional controls
* Front passenger seat with 4-way directional controls	* Height adjustable front seat head restraints
* Manual front seat head restraint control	* Split-bench front seat
* Front seat center armrest	* Front seat armrest storage
* Manual reclining driver seat	* Manual driver seat fore/aft control
* Manual reclining passenger seat	* Manual passenger seat fore/aft control
* Cloth front seat upholstery	* Cloth front seatback upholstery
* Manual driver seat lumbar	* 4-wheel disc brakes
* 4-wheel antilock (ABS) brakes	* Brake assist system
* Hill Start Assist	

As Configured Vehicle

MSRP

Pre-Collision Assist	Included
F-250 >10K GVWR Package	Included
Body-Color Front Bumper	Included
Body-Color Rear Bumper	Included
Cloth 40/20/40 Split Bench Seat	Included
Color-Coordinated Full Carpet w/Floor Mats	Included
LED Box Lighting	Included
LED Fog Lamps	Included
Painted Grille	Included
Wheels: 18" Ebony Black Painted Aluminum	Included
Tires: LT275/70Rx18E BSW A/T (4)	Included
Oxford White	N/C
Medium Dark Slate w/Cloth 40/20/40 Split Bench Seat	N/C
SUBTOTAL	\$58,380.00
Destination Charge	\$1,995.00
TOTAL	\$60,375.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: [REDACTED]

CAL FIRE
Prepared by: KAMAL DOAD
10/22/2024



Salinas Valley Ford Trucks | 1100 Auto Center Cir Salinas CA | 93907

2024 F-250 4x4 SD Crew Cab 6.75' box 160" WB SRW XL (W2B)

Price Level: 425

Fuel Economy

City
N/A



Hwy
N/A

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Greenwood Ford
 300 Gateway Dr
 Hollister CA 95023
 Loute F250

BUYER		CO-BUYER		Deal #:		9212	
CAL FIRE 15670 MONTEREY ST MORGAN HILL, CA 95037 Work #: Email:				Deal Type:		Retail	
				Deal Date:		07/22/2024	
				Print Time:		10:54am	
				Salesperson:			
VEHICLE							
New	☒	Stock #:	Description:		VIN:	Mileage:	
Used	☐	29900	2024 FORD TRUCK S-DTY F-250		1FT7W2BA4REE62737	10	
Demo	☐						
TRADE							
AFTERMARKETS				MSRP: \$ 62,605.00 Discount: \$ 2,885.00 Sale Price: \$ 59,720.00 Total Financed Aftermarkets: \$ 0.00 Total Trade Allowance: \$ 0.00 Trade Difference: \$ 59,720.00 Doc Fee: \$ 85.00 State & Local Taxes: \$ 5,457.21 Total License and Fees: \$ 0.00 Total Cash Price: \$ 65,262.21 Total Trade Payoff: \$ 0.00 Delivered Price: \$ 65,262.21 Cash Down Payment + Deposit: \$ 0.00 Sub Total: \$ 65,262.21 Service Agreement: \$ 0.00 Maintenance Agreement: \$ 0.00 GAP Insurance: \$ 0.00 Credit Life, Accident & Health: \$ 0.00 Other: \$ 0.00 Amount Financed: \$ 65,262.21			
Total Aftermarkets: \$ 0.00							
Rate: Amount Financed: \$ 65,262.21							



The Ford Store Morgan Hill

CAL FIRE MORGAN HILL
2024 FORD F-250SD XL
VIN: 1FT8W2BA1RED56041
STOCK #: 415606
SALESPERSON: MARK WEXLER
07/19/2024 9:45 AM

Incentive programs and rebates are estimates, subject to change and verification. Tax Profile: 9.125

CASH PURCHASE

Market Value 63,240.00

Discount Savings - 3,105.00

Vehicle (after Savings) 60,135.00

Taxes / Fees 5,621.83

Due On Delivery 65,756.83

PURCHASE DETAILS

Market Value 63,240.00
Discount Savings - 3,105.00
Net Vehicle Price 60,135.00

TAXES AND FEES

Document Prep Fee 85.00
Other Fee 33.00
Tire/Battery/VTR 8.75
Sales/Use Tax 5,495.08
TOTAL 65,756.83

GOOD FAITH QUOTE:

This is a 2024 Ford F250 Crew Cab 4x4 with 7.3L Gas. Pricing is subject to increases until the order is placed.

Ford Protect EXTRA CARE is an extended service plan is recommended. Plans can be purchased with varying length of time and mileage terms.

The sales tax rate has been estimated at 9.125% for Morgan Hill, but will require confirmation. DMV Title/Reg fees will be \$0 due to EXEMPT status.

Thank you for the opportunity and we look forward to supporting the sale, maintenance and service of your vehicles at The Ford Store Morgan Hill.

Mark Wexler
Commercial Vehicle & Fleet Sales Director
Mark.Wexler@TFSMH.com
Ofc : 408-782-8202 / Cell : 925-499-1878

Fair Pricing and Exceptional Service!

Interest Rates, Pricing, Rebates and Terms are estimates, subject to change and apply only on 07/19/2024.
FOR INTERNAL USE ONLY The Ford Store Morgan Hill -- 408-782-8201

01.06.78.20

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CITY OF MORGAN HILL

BID QUOTATION FORM (FOR ALL PURCHASES OVER \$5,000)

DEPARTMENT: Fire Department DATE: 10/25/2024
(FUND - DEPARTMENT - OBJECT)

ITEM DESCRIPTION: Vehicle F12001 Outfitting

VENDOR QUOTATIONS

	BID AMOUNT *
Vendor Name: <u>NextGen Alpha Upfitting</u>	\$ <u>21,973.96</u>
Address: <u>8400 Carbide Ct. Suite A</u>	
<u>Sacramento, CA 95828 US</u>	
Contact: _____ Phone: <u>(916) 423-5052</u>	
Comments: _____	

Vendor Name: <u>Nor Cal EVI</u>	\$ <u>23,373.34</u>
Address: <u>200 E San Martin Rd. Unit 960</u>	
<u>San Martin, CA 95046</u>	
Contact: _____ Phone: <u>(408) 509-6271</u>	
Comments: _____	

Vendor Name: <u>LEHR Auto</u>	\$ <u>26,557.73</u>
Address: <u>1590 Lana Way #7</u>	
<u>Hollister, CA 95023</u>	
Contact: _____ Phone: <u>(831) 634-1600</u>	
Comments: _____	

* BID AMOUNTS MUST INCLUDE SALES/USE TAX AND SHIPPING COSTS

SUCCESSFUL VENDOR was chosen because: **(Check One)**

☒ LOW BID ☐ SOLE SOURCE ☐ QUALITY ☐ SERVICE
☐ OTHER: _____

PERSON OBTAINING: Fleet Equipment Manager

NextGen Alpha Upfitting
8400 Carbide Ct. Suite A
Sacramento, CA 95828 US
+19164235052
Sumeet@NextGenAlphaUpfitting.Net
NEXTGENALPHAUPFITTING.NET

Estimate

ADDRESS

Morgan Hill Fire Department
15670 Monterey St.
Morgan Hill, CA 95037 USA

ESTIMATE #	DATE	EXPIRATION DATE
2042	09/26/2024	10/26/2024

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
	MORGAN HILL FIRE F250 2024 BUILD			
	LIGHTING			
NG ORDER	LIBERTY DUO RED/WHITE RED/AMBER 54"	1	2,901.60	2,901.60T
NG ORDER	EMPSA05BY-D	2	183.04	366.08T
	mpower® Fascia 4x2 Light w/ Screw Mount, 18" 5-wire w/ sync option & 1.5 Pigtail, SAE Class 1 & CA Title 13, 9-32 Vdc, Black Housing, 24 LED, Dual Color - Red/White			
NG ORDER	FRONT GRILL CODE & SCENE	4	127.40	509.60T
	EMPS2SMS4D			
	mpower® 4" Fascia Light w/ Screw Mount, 18" hard wire w/ sync option, SAE Class 1 & CA Title 13, 9-32 Vdc, Black Housing, 12 LED, Dual Color - Red/White			
NG ORDER	OVER FRONT & REAR WHEEL WELL CODE & ALLEY LIGHTS	2	24.44	48.88T
NG ORDER	PSLVBK05	2	389.48	778.96T
	Mounting Kit For SL Running Lights			
NG ORDER	ESLRL7316D	2	86.32	172.64T
	SL Running Light Red/White			
SOS ELUC3H010R	Universal UnderCover Screw-In LED Insert Single Light Kit, 9-32 Vdc w/ 10 5-wire harness - RED	2		
	REAR TAIL LIGHTS			
NG ORDER	EMPAK01KCZ	1	1,281.28	1,281.28T
	mpower® Arrow System			
	8EA 3" Mpower Red/Amber			
	REAR TOP OF SHELL			
	TRAFFIC ADVISORY WITH CODE			
NG ORDER	EMPS2SMS4D	2	127.40	254.80T
	mpower® 4" Fascia Light w/ Screw Mount, 18" hard wire w/ sync option, SAE Class 1 & CA Title 13, 9-32 Vdc, Black Housing, 12 LED, Dual Color - Red/White			
	UNDER TAILGATE CODE & SCENE			
NG ORDER	980033	1	330.00	330.00T

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
NG ORDER	Rigid Industries Flood Diffused Backup Flush Mount Kit SR-Q Pro RIGID Industries REAR BUMPER FOR SCENE INSIDE SHELL LIGHTING	1	359.99	359.99T
NG ORDER	KINGPIN EQUIPPED PACK 3EA 40" FLOOD LIGHT ALL 3 TO BE ACTIVATED WITH MERCURY SWITCH SIREN / SPEAKER	1	924.30	924.30T
NG ORDER	C399 CENCOME CORE WCX CONTROL CENTER	1	0.00	0.00T
NG ORDER	CCTL6 WECAN X KNOB/SLIDE CONTROL HEAD (INCLUDED)	1	0.00	0.00T
NG ORDER	C399K7 OBDII CANPORT KIT 2024 F250 (INCLUDED)	1	0.00	0.00T
NG ORDER	SA315U SPEAKER BLACK PLASTIC (INCLUDED)	1	0.00	0.00T
NG ORDER	SAK9 SA315 SIREN MT UNIV SWIVEL (INCLUDED)	2	0.00	0.00T
NG ORDER	SA315U SPEAKER BLACK PLASTIC	1	279.95	279.95T
NG ORDER	SAK9 SA315 SIREN MT UNIV SWIVEL	1	36.59	36.59T
NG ORDER	CEM16 WECANX 16 OUTPUT EXPANSION MOD	2	178.10	356.20T
TSO 78815	17 FT RG58 The Laird MB8U vehicle roof mount antenna installation hardware kit is for Motorola-style mobile antennas, 0 1000 MHz. This NMO mount is an all brass permanent mount for a 3/4 in hole.	3	34.99	104.97T
NG SHOP SUPPLIES	SHOP SUPPLIES - TO INCLUDE VEHICLE UPFIT - BRACKETS, FUSES, CLAMPS, WIRES, LOOM, MISC ACCESSORIES	1	300.00	300.00T
NG INSTALATION	INSTALLATION CHARGE FOR ALL LIGHTING, SIREN, SPEAKER, PROGRAMMING, RUNNING ALL WIRE & 3 EA DEPARTMENT SUPPLIED RADIO & ANTENNA TROY CONSOLE	1	6,000.00	6,000.00T
NG ORDER	CC-WBOS-25 Universal SUV/truck 25" Wide-body open-storage console; 8" slope, 17" level.	1	625.00	625.00T
NG ORDER	AC-F150-15-MNT 2015-21 Ford F150 floor plate for bucket seat trucks or factory console removed	1	0.00	0.00T
NG ORDER	FACE PLATE WHELEN 4"	1	0.00	0.00T
NG ORDER	FP-BLNK2 2" BLANK FILLER PLATE	5	0.00	0.00T
NG ORDER	FACE PLATE MOTOROLA 3"	1	0.00	0.00T
NG ORDER	AC-INBHG 4" internal dual beverage holder. Includes rubber fingers to keep cup stabilized	1	41.47	41.47T
TPS AC-TB-ARMMNT-	CONSOLE MOUNTED HEIGHT ADJUSTABLE ARMREST	1	143.78	143.78T

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
58	WITH STANDARD SIZE ARM REST FOAM PAD			
NG SHOP SUPPLIES	SHOP SUPPLIES - TO INCLUDE VEHICLE UPFIT - BRACKETS, FUSES, CLAMPS, WIRES, LOOM, MISC ACCESSORIES	1	150.00	150.00T
NG INSTALATION	INSTALLATION CHARGE FOR CENTER CONSOLE, COMPUTER STAND & CONNECTING ALL EQUIPMENT ELECTRICAL ACCESSORIES	1	3,000.00	3,000.00T
MM MMSU-1	Magnetic Mic Single Unit 1 Single Unit Conversion Kit	6	39.99	239.94T
BSS 7615B	ATD Automatic Timer Disconnect	1	189.99	189.99T
BSS 5026	ST Blade Fuse Block - 12 Circuits with Negative Bus and Cover	1	65.49	65.49T
NG ORDER	150 AMP CIRCUIT BREAKER	1	49.99	49.99T
NG SHIP IN	SHIPPING IN COST FROM VENDOR	1	625.00	625.00T

SUBTOTAL 20,136.50

TAX 1,837.46

TOTAL **\$21,973.96**

Accepted By

Accepted Date



NOR*CAL*EVI

NorCalEVI - Northern California's Emergency Vehicle Installations

CalFire SCU
CalFire SCU
15670 Monterey Rd
Morgan Hill, CA 95037



ESTIMATE	#266186
ESTIMATE DATE	Aug 4, 2024
TOTAL	\$23,373.34

CONTACT US
200 E San Martin RD , UNIT 960
san martin, CA 95046

(408) 509-6271
norcalevi@yahoo.com

ESTIMATE

Services	qty	unit price	amount
2024 ford 250 pickup build - SSCCFD spec-	1.0	\$0.00	\$0.00
lightbar 54" - Dual color arrow and full flood	1.0	\$2,940.00	\$2,940.00
surface mount leds Front - sides - red dual color - red white	14.0	\$156.00	\$2,184.00
500 series blueprint siren system	1.0	\$1,180.00	\$1,180.00
100 watt speaker -	2.0	\$120.00	\$240.00
Obd module	1.0	\$310.00	\$310.00
link mod -	1.0	\$299.00	\$299.00
Head light flasher	1.0	\$149.00	\$149.00
Equipment console Beverage holders - change dish - tablet arm -all face plates	1.0	\$1,260.00	\$1,260.00
Hide away leds	8.0	\$105.00	\$840.00
coax antenna line -	2.0	\$54.00	\$108.00
Materials wire,loom connectors,timer.ect	1.0	\$481.00	\$481.00

Stage Series Flush Mount Reverse Light Kit Rear bumper flood lights flush mount	1.0	\$339.00	\$339.00
Stage Series 18" White Light Bar	1.0	\$538.21	\$538.21
Streamlight Stinger HPL and charger	1.0	\$194.20	\$194.20
hint 500-0012 MD-ARM-0306-hdm-202	1.0	\$471.00	\$471.00
surface mount arrow - camper shell	1.0	\$1,360.00	\$1,360.00
SL runners - running board lights RED/White	2.0	\$511.20	\$1,022.40
Tuffy under set storage box	1.0	\$530.00	\$530.00
ipad case -	1.0	\$537.22	\$537.22
Remote nodes	3.0	\$305.00	\$915.00

Services subtotal: \$15,898.03

Materials	qty	unit price	amount
Shipping	1.0	\$447.21	\$447.21
Labor	45.0	\$125.00	\$5,625.00

Materials subtotal: \$6,072.21

Subtotal \$21,970.24

Tax (San Martin Tax
Rate 9.13%) \$1,403.10

Total \$23,373.34



Sales Quote

Page: 1

1590 Lana Way #7 Hollister, CA 95023-2552
Phone: 831-634-1600 Fax: 831-634-1602

Quote Number: 49815
Document Date: 10/8/2024
Terms: Credit Card Payment
Payment Method: Credit Card

Sell Cal Fire - Morgan Hill
To: XXXXXXXXXX
15670 Monterey Street
Morgan Hill, CA 95037
Phone:

Ship Cal Fire - Morgan Hill
To: XXXXXXXXXX
15670 Monterey Street
Morgan Hill, CA 95037
Phone:

Ship Via Customer ID 64235
Tax Ident. Type Legal Entity SalesPerson Mike McGee

Vehicle Information:

2025 FORD F250

Item No.	Description	Quantity	Unit Price	Total Price
Front End Equipment				
VTX9D	Whelen Vertex Super-LED Omni Directional Lighthead DUO Red/White	2	87.99	175.98
UHF2150A	Whelen HeadLight/Grille Light Flasher	1	53.40	53.40
M2RC	Whelen, M2 Series LED Flashing - Red w/ Clear Lens	2	129.00	258.00
M2FB	Whelen M2 Series Flange Black	1	9.00	9.00
LOWER GRILL L/R				
CH27.1.20	911Circuit, Harness w/Timer	1	787.50	787.50
MB-UNI-27	911Circuit, Universal Bracket for Ch27, No Tab	1	27.20	27.20
SA315P	Whelen Siren Speaker 100W	2	199.99	399.98
SAK61D	Whelen SA-315 Mt Kit 2017-23 F-250 Driver, Not For Use W/Factory Fog Lights	1	30.60	30.60
SAK61P	Whelen, SA-315 Mt Kit 2017 F-250 Pass	1	30.60	30.60
CHWLUNI	Whelen WeCanX Howler Low Frequency Siren Amplifier, Universal Mount	1	444.60	444.60
NPN	Ridgid Industries E- Series 20" Combo LED Light	1	673.18	673.18
I	Installation Charges	14	140.00	1,960.00
Side Equipment				
TLI2D	Whelen ION T-Series DUO Red/White	4	108.25	433.00
(2) LEFT SIDE F/R TOP FENDER WELL				
(2) RIGHT SIDE F/R TOP FENDER WELL				
I	Installation Charges	6	140.00	840.00
Roof Equipment				
EB2DDDD	Whelen, Legacy WCX 54" RW/RW/RW/RW	1	2,265.00	2,265.00
STPKT94	Whelen Lightbar Strap Kit	1		
MBD	3/4" Hole Brass NMO Mount w/ 17' Teflex Cable, No Connector	3	23.00	69.00
ROOF-FT-NITI-M	STI-CO REPLACEMENT MAST NITI	3	56.00	168.00
CSM - AVL ANTENNA				
I	Installation Charges	4	140.00	560.00



Sales Quote

Page: 2

1590 Lana Way #7 Hollister, CA 95023-2552
Phone: 831-634-1600 Fax: 831-634-1602

Quote Number: 49815
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Terms: Credit Card Payment
Payment Method: Credit Card

Sell Cal Fire - Morgan Hill
To: XXXXXXXXXX
15670 Monterey Street
Morgan Hill, CA 95037
Phone:

Ship Cal Fire - Morgan Hill
To: XXXXXXXXXX
15670 Monterey Street
Morgan Hill, CA 95037
Phone:

Ship Via Customer ID 64235
Tax Ident. Type Legal Entity SalesPerson Mike McGee

Vehicle Information:

2025 FORD F250

Item No.	Description	Quantity	Unit Price	Total Price
Drivers Compartment Equipment				
CC-WBOS-25	Troy, Universal SUV/Truck 25" Wide Body Open Storage Console	1	630.00	630.00
AC-F150-15-MNT	Troy, Console Floor Plate w/ Foot Brackets, 2016-23 F150-550	1	159.00	159.00
AC-SIDEARM-12	Troy Prod, Arm Rest	1	117.75	117.75
AC-INBHG	Troy Products Internal Dual Beverage Holder 4"	1	48.00	48.00
FP-MXTL2500	Troy Products 3" Face Plate, Fits Motorola XTL2500/5000/APX6500 remote 05/07	1		
FP-BK-KNGM150R	Troy, 3" Faceplate BK M150 Remote Mt	2		
FP-WCENCOM-JD	Troy Products 4" Face Plate, Fits Whelen Control/Cencom (Sapphire, Carbide)	1		
FP-BLNK1	Troy, 1" Blank Filler Plate	1		
FP-AP12-4	Troy Prod Troy, 2" Face Plate, Fits 4x Dc Outlet Holes	1	24.00	24.00
L3-AP1SET	Troy Products 12v DC Power Outlet w/Cap	2	11.25	22.50
1016B-BSS	Blue Sea System 10/24V Dual USB 2.1A Charger	2	25.365	50.73
MMSU-1	Mag Mic Magnetic Mic Kit	4	34.95	139.80
CSM - MOTOTOLA DUAL HEAD XTL SERIES				
CSM - BK M150 DUAL HEAD SERIES				
CSM - BK M150 DUAL HEAD SERIES				
(1) HEAD FRONT CONSOLS (1) HEAD REAR COMMAND				
CSM - APPLE MOUNT X 2				
CSM - AVL				
I	Installation Charges	22.5	140.00	3,150.00
Back End Equipment				
CSM - EXTENDEBED W/COMMAND MODULE				
CSM - SMART CAP TRUCK SHELL				
VTX609R	Whelen Vertex Super-LED Omni Directional Lighthouse Red REAR TAIL LAMPS	2	87.99	175.98
TLIR	Whelen ION T-Series Linear Super-LED Surface Mt. Lighthouse Red TAIL GATE	2	102.99	205.98
RIG980033	Rigid, SRQ Flush Mount LED Lt Pair	1	378.00	378.00



Sales Quote

Page: 3

1590 Lana Way #7 Hollister, CA 95023-2552
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Sell Cal Fire - Morgan Hill
To: [REDACTED]
15670 Monterey Street
Morgan Hill, CA 95037
Phone:

Ship Cal Fire - Morgan Hill
To: [REDACTED]
15670 Monterey Street
Morgan Hill, CA 95037
Phone:

Ship Via
Tax Ident. Type Legal Entity

Customer ID 64235
SalesPerson Mike McGee

Vehicle Information:

2025 FORD F250

Item No.	Description	Quantity	Unit Price	Total Price
60CREGCS	REAR BUMPER TIE TO REVERSE Whelen 12 Diode Interior Light, 6" Round Surface Mount Split Red/White COMPARTMENT LIGHTS	2	151.20	302.40
TLI2K	Whelen ION T-Series DUO Red/Amber MOUNTED LEFT TO RIGHT TOP OF SHELL CREATE TA	8	108.25	866.00
TIONWEDG	Whelen Mounting Wedges ION T-Series	8	13.80	110.40
TAPVC15	Whelen, 15' PVC Extension Cable	1	105.70	105.70
CEM16	Whelen Core WCX 16 Output Expansion Module	1	171.60	171.60
C399	Whelen Cencom Core WCX Remote Siren & Control Center	1	1,079.00	1,079.00
CCTL7	Whelen Core WCX 21 Push-Buttons & 4-Position Slide Control Head	1		
C399SP	Whelen SCANport KIT FOR C399	1		
CEXAMP	Whelen WCX External Amplifier	1	220.80	220.80
CEM16	Whelen Core WCX 16 Output Expansion Module	2	171.60	343.20
806-1206	Xantrex, PROwatt SW 600 Inverter 540 Watt	1	303.46	303.46
INSTALL	Install Materials	1	500.00	500.00
I	Installation Charges	35	140.00	4,900.00
F	Shipping Charges	1	325.00	325.00
MTP48/H6	Interstate, Mega-Tron Plus Battery	1	225.00	225.00
03009	Deka, Marine Battery Box	1	17.86	17.86
04716	Deka, 2/0 Welding Red	25	7.888	197.20
04717	Deka, 2/0 Welding Black	25	7.888	197.20
PAC-500-AMP BATTERY	PAC-500-Amp Battery Isolator	1	147.50	147.50
HPC-150	150 Amp Circuit Breaker 4703-150B	2	25.00	50.00
87900	Mega Fuse Holder w/Cover	1	15.00	15.00

Amount Subject to Sales Tax 24039.10
Amount Exempt from Sales Tax 325.00

Subtotal: 24,364.10
Total Sales Tax: 2,193.63
Total: 26,557.73

RESOLUTION NO. 24-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE CITY'S FISCAL YEAR 2024-2025 BUDGET IN THE EQUIPMENT REPLACEMENT FUND (FUND NO. 790), TO APPROPRIATE \$97,770.00 AND RECOGNIZE AN INSURANCE PAYOUT OF \$24,301 FOR THE REPLACEMENT OF FIRE DEPARTMENT VEHICLE F12001, THEREFORE

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, the reasons supporting this Resolution are set forth in detail in that certain City Council Staff Report entitled "Authorize the Purchase of Fire Department Replacement Vehicle Including the Outfitting of Emergency Equipment" submitted for City Council consideration at its meeting of November 6, 2024, submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, recommended amendments are needed and proposed to the City's previously adopted Annual Budget for Fiscal Year 2024-2025 as set forth on Exhibit A to this Resolution, to appropriate the requisite funds to implement the actions authorized by this Resolution; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That the City's previously adopted Fiscal Year 2024-2025 Budget, as the same has been amended to date, is hereby further amended in accordance with and as reflected on Exhibit A attached hereto and incorporated herein by this reference; and
- b. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City's Finance Director, who is hereby authorized and directed to take all actions necessary to implement the terms of this Resolution pertaining to the Fiscal Year 2024-2025 Budget of City.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 6th day of November 2024 by the following vote:

AYES:	COUNCIL MEMBERS:	None
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

ATTEST:

MARK TURNER, Mayor

MICHELLE BIGELOW, City Clerk

∞ CERTIFICATION ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 24-_____ adopted by the City Council at the meeting held on the 6th day of November 2024.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk

Exhibit A

AGENDA BUDGET SCORECARD
FISCAL YEAR 2024-2025
ADJUSTMENT #

003

FUND:
FUNCTION:
DEPARTMENT:
DIVISION:
OBJECT:

790	Equipment Replacement Fund
00	Non-Department
10	Administration
8500	Equipment Replacement
43830	AUTO/TRUCKS

AGENDA DATE:
AGENDA ITEM TITLE:

11/06/24
Purchase replacement vehicle - Fire

	07/01/24 PROJECTED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	07/01/25 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	8,727,549	1,680,580	1,122,500	9,285,629
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	-	-
RECOMMENDED ACTION		24,301	97,770	(73,469)
RESULT OF RECOMMENDED ACTION	8,727,549	1,704,881	1,220,270	9,212,160

CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2024

PREPARED BY:

Adam Paszkowski, Principal Planner

APPROVED BY: City Manager

ADOPT A CITYWIDE VEHICLE-MILES-TRAVELED (VMT) POLICY INCLUSIVE OF ESTABLISHING VMT AS THE APPROPRIATE METRIC FOR EVALUATING TRANSPORTATION-RELATED IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ESTABLISHING VMT SCREENING CRITERIA, VMT THRESHOLDS OF SIGNIFICANCE, AND TRANSPORTATION DEMAND MANAGEMENT (TDM) STRATEGIES

RECOMMENDATION(S)

1. Receive report regarding a proposed trip reduction ordinance; and
2. Adopt a resolution establishing Screening Criteria and Thresholds of Significance regarding the City's implementation of State Senate Bill 743 (SB 743) transition from Level-of-Service (LOS) to Vehicle-Miles-Traveled (VMT) as the metric for transportation analysis under the California Environmental Quality Act (CEQA) for development projects.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Protecting the Environment and Preserving Open Space and Agricultural Land
Supporting our Youth, Seniors, and Entire Community
Advocating for Local, Regional, and State Legislative Initiatives

2024-2025 Strategic Priorities

Transportation

Guiding Documents

Bikeways, Trails, and Recreation Master Plan
Climate Action Plan
Morgan Hill 2035 General Plan
Vision Zero

REPORT NARRATIVE:

On September 6, 2023, the City Council conducted a public hearing to consider adoption of a citywide Vehicle Miles Traveled (VMT) policy, consisting of Screening

Criteria and Thresholds of Significance to bring the City into compliance with State Senate Bill 743 (SB 743). SB 743, signed into law in 2013, requires local jurisdictions to transition from use of Level-of-Service (LOS) to VMT as the metric for transportation analysis for development projects as required by the California Environmental Quality Act (CEQA). At the hearing, the City Council directed staff to conduct limited research on a Trip Reduction Ordinance, including a fee study, cost analysis, and timeline, and to revisit the proposed VMT Screening Criteria.

The California Governor's Office of Planning and Research (OPR) issued a "Technical Advisory on Evaluating Transportation Impacts in CEQA" recommending that adopted thresholds for new projects should reduce VMT. Provisions under Section 15064.3(c) of the CEQA Guidelines has required the application of VMT since July 1, 2020. Where LOS measures the average amount of delay experienced at key intersections during hours of peak traffic congestion, VMT considers the number and length of vehicle trips generated by a proposed land development. This is a significant change in methodology for CEQA traffic analysis, adopted by the State with the goals of "reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations."

Trip Reduction Ordinance Analysis:

Trip Reduction Ordinances (TRO) are regulations that implement transportation supply or demand management strategies with the goal to improve transportation system efficiency. TROs mandate the implementation of Transportation Demand Management (TDM) strategies which are intended to reduce traffic congestion.

TROs vary considerably by jurisdiction, but often include requirements for the provision of employee transportation coordinators and the development of site-specific transportation management plans, with components such as on-site amenities (e.g., childcare/daycare, ATMs, restaurants, dry cleaners, grocery stores, bike facilities) as well as, bus stops, park & ride programs, and pedestrian and bicycle transit improvements.

The goal of TROs is to reduce traffic congestion, not how far someone travels (VMT), and therefore TROs do not meet the requirements of SB 743. If a TRO is adopted, development applications will still need to evaluate/mitigate VMT under CEQA.

Jurisdictions Reviewed:

A cursory review indicates that most TROs were adopted by counties (i.e., Marin County, Monterey County, Santa Cruz County, Yuba County) within Congestion Management Agencies that required the county jurisdiction to adopt a TRO as part of the Agency's travel demand requirements.

Valley Transportation Authority (VTA) serves as the Congestion Management Agency (CMA) for Santa Clara County and maintains the county's Congestion Management Program (CMP), in accordance with California Statute, Government Code 65088. The VTA has not required TROs as part of the CMA's travel demand requirements in the past.

Of the County jurisdictions that have a TRO, a majority of TROs only apply to businesses that employ 100 or more employees; in addition, some of these County jurisdictions state the TRO is voluntary. Of the jurisdictions that have responded to inquiries from staff (Monterey County and Santa Cruz County), TROs within those jurisdictions are not enforced or have been repealed due to the legal challenges to the TRO. The City's VMT consultant, TJKM, noted that other jurisdictions have also received legal challenges to their TROs.

Timeline:

Based on consultation with TJKM, it is estimated that it will take one year to prepare a TRO and a corresponding impact fee study; plus an unknown amount of additional time in advance to research the legality of a TRO.

Cost Analysis:

In consultation with TJKM, the estimated cost to prepare a Trip Reduction Ordinance and fee study is \$200,000; this cost is in addition to staff time.

Preparation of a TRO would require additional funding and would delay the implementation of the City's transportation management policy. The City's VMT policy also addresses the potential impacts of vehicular travel. While it focuses on regional transportation patterns rather than local traffic congestion, the proposed VMT Screening Criteria, in conjunction with the City's Level of Service (LOS) Policy, will address the City's goals. Therefore, staff recommends adopting the recommended VMT Policy as the metric for transportation analysis under the California Environmental Quality Act (CEQA) for development projects. Below is the proposed VMT Screening Criteria.

VMT Screening Criteria

As presented during the September 6, 2023 City Council meeting, the Governor's Office of Planning and Research (OPR) recommends streamlining CEQA review of projects to identify areas where less detailed environmental review can be presumed. Projects that meet the screening criteria for VMT would most likely reduce VMT in a specific Travel Analysis Zone (TAZ) within Morgan Hill. In addition, a project that meets at least one of the screening criteria would be exempt from further VMT analysis. On September 6, 2023, the City Council also directed staff to bring back the proposed VMT Screening Criteria, so the Council can revisit the six types of Screening Criteria. The six types of screens recommended by TJKM for the City of Morgan Hill are as follows:

1. **Project Size Screening:** Projects that generate less than 110 average daily trips.
2. **Locally Serving Retail Screening:** Retail projects that are less than 50,000 square feet (includes fast-food/quick-serve restaurants).
3. **Low VMT Area Screening:** Residential and employment projects located within a low VMT generating area (15 percent below a region's home based VMT per resident or home based VMT per employee metric).
4. **Transit Proximity Screening:** Projects located within Transit Priority Areas or High Quality Transit Corridors (located within half a mile radius of an existing or

planned major transit stop).

5. **Affordable Housing Screening:** 100 percent affordable residential development (or the residential component of a mixed-use development). (Please note, under AB1449 effective January 1, 2024, 100 percent affordable residential or mixed use projects that meet certain criteria are exempt from CEQA)
6. **Active Transportation Projects:** Transportation projects that promote active transportation, such as transit, bicycle, and pedestrian facilities.

VMT Thresholds of Significance

Given the information provided within the "Morgan Hill VMT Methodology Memo" and the fact that lead agencies have discretion in setting thresholds, Staff and TJKM recommends the City of Morgan Hill use the city average as the VMT threshold for both residential (VMT per Capita) and employment (VMT per employee) land uses. This ensures that, at a minimum, the city's VMT metrics remain the same. As such, since an impact under CEQA is considered to have occurred when there is an increase in VMT and GHG emissions, a starting level for thresholds can be existing conditions or baseline VMT metrics (VMT per capita, VMT per employee). Since VMT increases with increase in population and employment, the impact can be calculated by comparing development alternatives to baseline conditions. This assumes that trip patterns generated by new land uses are similar to existing land uses. Therefore, the following are the recommended thresholds for Morgan Hill.

A project would result in a significant project-generated VMT impact if:

1. For residential projects, its net VMT per capita exceeds Morgan Hill's baseline VMT per capita.
2. For office and industrial projects, its net VMT per employee exceeds Morgan Hill's baseline VMT per employee.
3. For all other uses, including commercial/retail uses over the 50,000 square foot local threshold, a net increase in total VMT within Morgan Hill would be considered a significant impact.

VTA Equitable VMT Mitigation Program

At the September 6, 2023 City Council public hearing, the City Council also requested staff to report on the VMT grant that the Santa Clara Valley Transportation Authority (VTA) received from the State.

In 2022, VTA received a Caltrans planning grant in the amount of \$562,000 to develop the framework for an Equitable VMT Mitigation Program for Santa Clara County (a total cost of \$635,000) to be completed within a two-year timeframe. This framework explores ways to mitigate VMT impacts through a countywide program, focusing on maximizing equity outcomes from new land development projects that generate VMT. It does not address VMT generated from transportation projects nor how the VMT impact significance is determined, as that is beyond this study's scope.

A key element of the Equitable VMT Mitigation Program is identifying effective actions to be funded, that reflect community values, and advance equity. The project team led a process that involved gathering community input on travel challenges; prioritizing VMT reduction categories that both address these challenges and reduce VMT; identifying a set of VMT reduction projects within these categories; and identifying the most effective and suitable VMT mitigation actions for inclusion in the program.

The Equitable VMT Mitigation Program is nearing completion and is proposed to recommend near-term implementation of a VMT exchange and long-term evolution toward a VMT bank with VTA as the program sponsor. Possible VMT reducing projects that have been identified in the program include, but are not limited to, expanded transit service, transportation options, bike lanes, and sidewalks, as well as free transit passes. If VTA is able to establish a VMT exchange or VMT bank this will allow land development projects throughout the region to pay into the VMT exchange or VMT bank to possibly offset the project's VMT impacts.

COMMUNITY ENGAGEMENT:

Inform

The Planning Commission held several public workshops regarding VMT on March 10, 2020, April 28, 2020, June 23, 2020, and August 11, 2020. In addition, the City Council held a public workshop regarding VMT on June 2, 2021.

On June 27, 2023, the Planning Commission held a public hearing recommending approval of a Citywide VMT Policy in which a 10-day public hearing notice was published in the Friday, June 9, 2023, edition of the Morgan Hill Times.

On September 6, 2023, the City Council held a public hearing regarding the Citywide VMT Policy in which a 10-day public hearing notice was published in the Friday, August 25, 2023, edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096.

ALTERNATIVE ACTIONS:

The City Council may direct staff to pursue a Trip Reduction Ordinance and allocate funding from the General Fund to pursue the Trip Reduction Ordinance. However, a Trip Reduction Ordinance would not meet the requirements of SB 743 and VMT will still be required to be analyzed separately for land development projects consistent with CEQA.

In addition, the City Council may adopt a Citywide VMT Policy consisting of *all or several* of the six proposed VMT screening criteria.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On June 6, 2018, the City Council adopted the Biennial FY 2018-19 & FY 2019-20 Operating Budget which included one-time funding of \$200,000 within the Special Revenue Fund 207 for Long Range Planning's work program task to implement SB 743.

On January 15, 2020, the City Council approved a professional services agreement with Nelson\Nygaard Consulting Associates, Inc. to assist with the City's implementation of SB 743 and establishing VMT Screening Criteria and Thresholds of Significance utilizing the VTA Countywide model for a total not-to-exceed amount of \$110,000.

The Planning Commission has held workshops on March 10, 2020, April 28, 2020, June 23, 2020, and August 11, 2020 regarding the City's implementation of SB 743. The Planning Commission made a recommendation on August 11, 2020 to approve the proposed VMT Screening Criteria on a 4-3 vote; the commission agreed on three of the four proposed screens. The proposed screen the Commission did not have unanimous support on was the proposed location-based screen, titled 'Low VMT Location' (TJKM has now proposed an additional two VMT screens, Locally Serving Retail and Active Transportation Projects, since Nelson\Nygaard's four proposed VMT screens). In addition, the motion also recommended the City conduct its own VMT model within an 18 month or sooner timeframe in order to deviate from the VTA Model and revise the adopted screens as necessary once the model is complete. The Commission did not make a recommendation on the proposed Thresholds of Significance, because, although the Commission agreed with the proposed Thresholds of Significance, the Commission did not agree on the VTA Model that the thresholds were based on.

On June 2, 2021, the City Council reviewed the proposed VMT Screening Criteria and Thresholds of Significance as proposed by Nelson\Nygaard Consulting Associates, Inc. utilizing the VTA Countywide model. However, the Screening Criteria and Thresholds of Significance identified by Nelson\Nygaard were not adopted by the City Council, and City staff was directed to pursue its own VMT model, that is more reflective of the City, in order to deviate from the VTA Countywide VMT model, and/or to deviate from OPR's Technical Advisory recommending to reduce VMT of new development by 15%, and revise the proposed screens and thresholds as necessary once the City's model and/or deviation from OPR's Technical Advisory is complete.

On January 19, 2022, the City Council approved a professional services agreement with TJKM Transportation Consultants for assistance with the City's implementation of SB 743 for a total not-to-exceed amount of \$79,835.

On June 27, 2023, the Planning Commission recommended the City Council adopt a Citywide VMT policy inclusive of establishing VMT as the appropriate metric for evaluating transportation-related impacts under CEQA and establishing VMT screening criteria, VMT thresholds of significance, and TDM strategies, as well as to utilize LOS thresholds in the review of non-CEQA related impacts for discretionary planning applications in accordance with the General Plan.

On September 6, 2023, the City Council held a public hearing regarding adopting a resolution to adopt a Citywide VMT policy as recommended by the Planning Commission. During the September 6, 2023 City Council meeting, the Council directed staff to report back to the Council regarding limited research on a Trip Reduction Ordinance (including a fee study, cost analysis, and timeline) and revisit the Citywide VMT Policy.

FISCAL AND RESOURCE IMPACT:

The preparation of a Trip Reduction Ordinance is outside the purview and expertise of Staff, and therefore requires the need to hire a transportation firm. In consultation with TJKM, Transportation Consultants, the estimated cost to prepare a Trip Reduction Ordinance is \$100,000; an additional \$100,000 is also estimated for the preparation of a fee study for the Trip Reduction Ordinance (\$200,000 total). In addition to the cost of hiring a transportation firm, a Trip Reduction Ordinance will also consume a significant amount of staff time managing the contract, project, and future meetings and will affect other projects or day to day tasks within Long Range Planning. As such, the cost to prepare a Trip Reduction Ordinance is not budgeted within the Long-Range Planning Fund (207) and is not included in the adopted Biennial Operating Budget, and would require allocating funds from the General Fund as there is an insufficient fund balance available in the Long-Range Planning Fund (207).

In regard to the Citywide VMT Policy, costs for the VMT policy are completed, and no additional costs are expected. Previous costs were included in the current adopted budget and are part of the Long Range Planning workplan and were funded through the Long Range Planning Fund (207). In addition, funds for the professional services agreement with TJKM were budgeted and expended within the Long-Range Planning Fund (207) and included in the adopted Biennial Operating Budget.

CEQA (California Environmental Quality Act):

Not a Project

Providing direction to staff on a Trip Reduction Ordinance and/or the adoption of Vehicle-Miles-Traveled (VMT) screening criteria and thresholds of significance under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15064.7 does not require environmental review. This activity is not a project pursuant to State CEQA Guidelines Sections 15060(c)(3) and 15378. The establishment and implementation of a VMT threshold is a state-mandated requirement under SB 743 and Section 15064.3 of the CEQA Guidelines.

RESOLUTION NO. 24-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING A CITYWIDE VEHICLE MILES TRAVELED (VMT) POLICY INCLUSIVE OF ESTABLISHING VMT AS THE APPROPRIATE METRIC FOR EVALUATING TRANSPORTATION-RELATED IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ESTABLISHING VMT SCREENING CRITERIA, VMT THRESHOLDS OF SIGNIFICANCE, AND TRANSPORTATION DEMAND MANAGEMENT (TDM) STRATEGIES

WHEREAS, the California Environmental Quality Act (CEQA) was enacted by the State of California in 1970 to ensure the long-term protection of the environment and requires public agencies to analyze and disclose the effects of their actions on the environment; and

WHEREAS, the Governor's Office of Planning and Research (OPR) develops the CEQA Guidelines to interpret CEQA statutes and published court decisions, including several appendices to the CEQA Guidelines that contain forms and guidance for lead agencies when performing environmental review; and

WHEREAS, in 2013, Senate Bill (SB) 743 (Steinberg) was signed into law directing OPR to produce new CEQA guidance that removes automobile Level of Service (LOS) from transportation analysis under CEQA and update the way transportation impacts are analyzed under CEQA for new land use and transportation projects using alternative metrics that promote a reduction in greenhouse gases, the development of multimodal transportation, and a diversity of land uses, all towards achieving the State's climate action goals; and

WHEREAS, in 2018 OPR proposed, and the California Natural Resources Agency adopted, Section 15064.3 of the State's CEQA Guidelines that identifies Vehicle Miles Traveled (VMT) as the most appropriate measure of a project's transportation impacts under CEQA, and states that a project's effect on automobile delay shall not constitute a significant environmental impact; and

WHEREAS, as of July 1, 2020, all lead agencies are required to use VMT to measure transportation impacts, in accordance with Section 15064.3 of the CEQA Guidelines; and

WHEREAS, VMT measures the amount and distance of automobile travel attributable to a project, taking the number of passengers within a vehicle into account. Typically, projects at a greater distance from other uses, located in areas with limited access to non-auto modes of travel, generate more driving than those that are located proximate to other complementary uses and/or where there are transportation options other than the automobile. The information is used

to calculate VMT is already required to calculate and factor air quality and greenhouse gas emissions; and

WHEREAS, OPR released a Technical Advisory on Evaluating Transportation Impacts in CEQA, which includes recommendations for thresholds of significance for evaluating impacts of office, residential, and retail developments, and provides screening criteria for identifying the types of projects that can be presumed to have a less than significant impact; and

WHEREAS, thresholds of significance are identifiable quantitative, qualitative, or performance level measures of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant, and compliance with which means the effect normally will be determined to be less than significant; and

WHEREAS, the City of Morgan Hill intends to adopt a VMT Policy, inclusive of establishing VMT screening criteria and thresholds of significance, supported by substantial evidence, in order to meet the intent of State legislation; and

WHEREAS, CEQA Guidelines Section 15064.7(b) directs lead agencies to adopt thresholds of significance by ordinance, resolution, rule, or regulation through a public process, and be supported by substantial evidence; and

WHEREAS, such requests were considered by the Planning Commission at its meeting of June 27, 2023 and by the City Council at its meeting of September 6, 2023 and November 6, 2024; and

WHEREAS, the adoption of Vehicle-Miles-Traveled (VMT) policy, consisting of screening criteria and thresholds of significance and are supported by substantial evidence, in accordance with CEQA Guidelines Section 15064.7 does not require environmental review. This activity is not a project pursuant to State CEQA Guidelines Sections 15060(c)(3) and 15378. The establishment and implementation of a VMT threshold is a state-mandated requirement under SB 743 and Section 15064.3 of the CEQA Guidelines; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council has considered the full record before it, which may include but not limited to such things as the staff report, public testimony, and other materials and evidence submitted or provided. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. The City Council adopts a citywide policy establishing Vehicle Miles Traveled (VMT), consisting of screening criteria and thresholds of significance and are

supported by substantial evidence, as the standard of measurement for analysis of potential environmental impacts from vehicular traffic under the California Environmental Quality Act (CEQA), which is attached hereto as Exhibit A.

SECTION 3. The City Council further finds that the use of Level of Service (LOS) thresholds shall be utilized in the review of non-CEQA related impacts for discretionary planning applications in accordance with the General Plan, separate and distinct from the VMT Thresholds of Significance described herein.

PASSED AND ADOPTED THIS 6th DAY OF NOVEMBER 2024, AT A REGULAR MEETING OF THE CITY COUNCIL BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

MARK TURNER, Mayor

MICHELLE BIGELOW, City Clerk

∞ **CERTIFICATION** ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 24-xxx, adopted by the City Council at a regular meeting held on November 6, 2024.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Michelle Bigelow, City Clerk

EXHIBIT "A"

CITY POLICY ESTABLISHING SCREENING CRITERIA AND THRESHOLDS OF SIGNIFICANCE USING VEHICLE MILES TRAVELLED (VMT) TO MEASURE TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Morgan Hill VMT Screening Criteria

Screen Type	Screening Criteria
Project Size	Projects that generate less than 110 average daily trips (when estimating trips generated by a project, Institute of Transportation Engineers (ITE) guidelines or local surveys of trip generations need to be reviewed and approved by the City of Morgan Hill; such analysis will need to account for trip generation of all uses on the project site when calculating the total number of daily trips)
Locally Serving Retail	Retail projects that are less than 50,000 square feet (includes fast-food/quick-serve restaurants)
Low VMT Area	Residential and employment projects located within a low VMT generating area (the Low VMT Area screen is equal to the City of Morgan Hill's average home-based VMT per resident or VMT per employee, depending on the type of project)
Transit Proximity	Projects located within Transit Priority Areas or High Quality Transit Corridors (located within half a mile radius of an existing or planned major transit stop)
Affordable Housing	100% affordable residential development (or the residential component of a mixed-use development)
Active Transportation Projects	Transportation projects that promote active transportation (such as transit, bicycle, and pedestrian facilities)

Morgan Hill VMT Thresholds of Significance

Land Use	Thresholds of Significance
Residential	VMT per capita does not exceed the City of Morgan Hill's baseline VMT per capita
Office & Industrial	VMT per employee does not exceed the City of Morgan Hill's baseline VMT per employee
All Other Uses (includes commercial/retail uses over 50,000 square feet)	No net increase in total VMT within the City of Morgan Hill



Report on Trip Reduction Ordinance & Revisit Vehicle Miles Traveled Screening Criteria



Trip Reduction Ordinance & Vehicle Miles Traveled

City Council 9/6/2023 Direction:

- Conduct limited research on a Trip Reduction Ordinance
 - **Fee study**
 - **Cost analysis**
 - **Timeline**
- Revisit proposed VMT Screening Criteria

Trip Reduction Ordinance



Trip Reduction Ordinance (TRO) Research:

- TROs implement regulations that improve the transportation system
- Implementation strategies vary considerably:
 - **Often include employee transportation coordinators and the development of site-specific transportation management plans (on-site childcare, ATMs, restaurants, dry cleaners, grocery stores, bike amenities, transit, and bike & ped improvements)**
- Goal is to reduce traffic congestion, not how far someone travels
- Will not meet the requirements of SB 743
- Development applications will still need to evaluate/mitigate VMT

Trip Reduction Ordinance



Jurisdictions Reviewed:

- TROs adopted by Counties within Congestion Management Agencies that require a TRO as part of travel demand requirements
 - **Marin County, Monterey County, Santa Cruz County, Yuba County**
- Most TROs apply to businesses that employ 100 or more employees
- Some jurisdictions state the TRO is voluntary
- TROs in some jurisdictions are not enforced (Monterey County) or have been repealed (Santa Cruz County) due to legality of TRO

Trip Reduction Ordinance

Timeline:

- 1 year to prepare TRO and fee study
- Unknown additional time to research legality of TRO

Cost Analysis:

- TRO = \$100,000
- Fee study = \$100,000
- Cost of staff time

Valley Transportation Agency



Equitable VMT Mitigation Program:

- Aims to reduce the amount of driving from land-use developments within Santa Clara County, working across jurisdictional lines and improving travel options
- VMT Exchange or VMT Bank to pay for expanded service, transportation options, bike lanes, sidewalks, free transit passes, etc.

Cost:

- \$635,000 plus VTA staff time
- Caltrans Planning Grant = \$562,000
- 2-year timeframe

Citywide VMT Policy



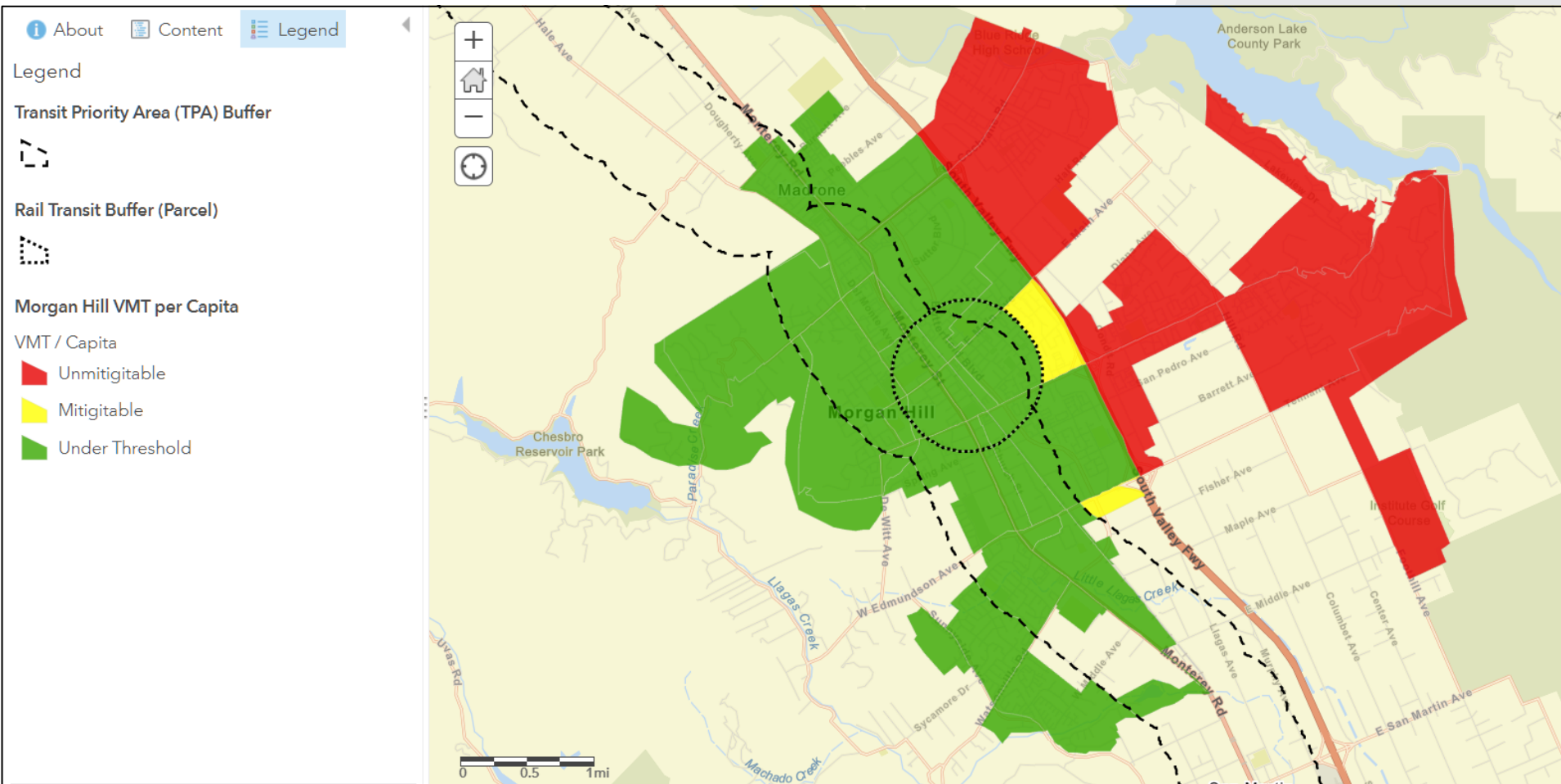
VMT Screening Criteria:

1. **Project Size Screening:** Projects that generate less than 110 average daily trips.
2. **Locally Serving Retail Screening:** Retail projects that are less than 50,000 square feet (includes fast-food/quick-serve restaurants).
3. **Low VMT Area Screening:** Residential and employment projects located within a low VMT generating area (15 percent below a region's home based VMT per resident or home based VMT per employee metric).
4. **Transit Proximity Screening:** Projects located within Transit Priority Areas or High Quality Transit Corridors (located within half a mile radius of an existing or planned major transit stop).
5. **Affordable Housing Screening:** 100 percent affordable residential development or the residential component of a mixed-use development. (AB 1449 currently exempts affordable housing from CEQA)
6. **Active Transportation Projects:** Transportation projects that promote active transportation, such as transit, bicycle, and pedestrian facilities.

Citywide VMT Policy



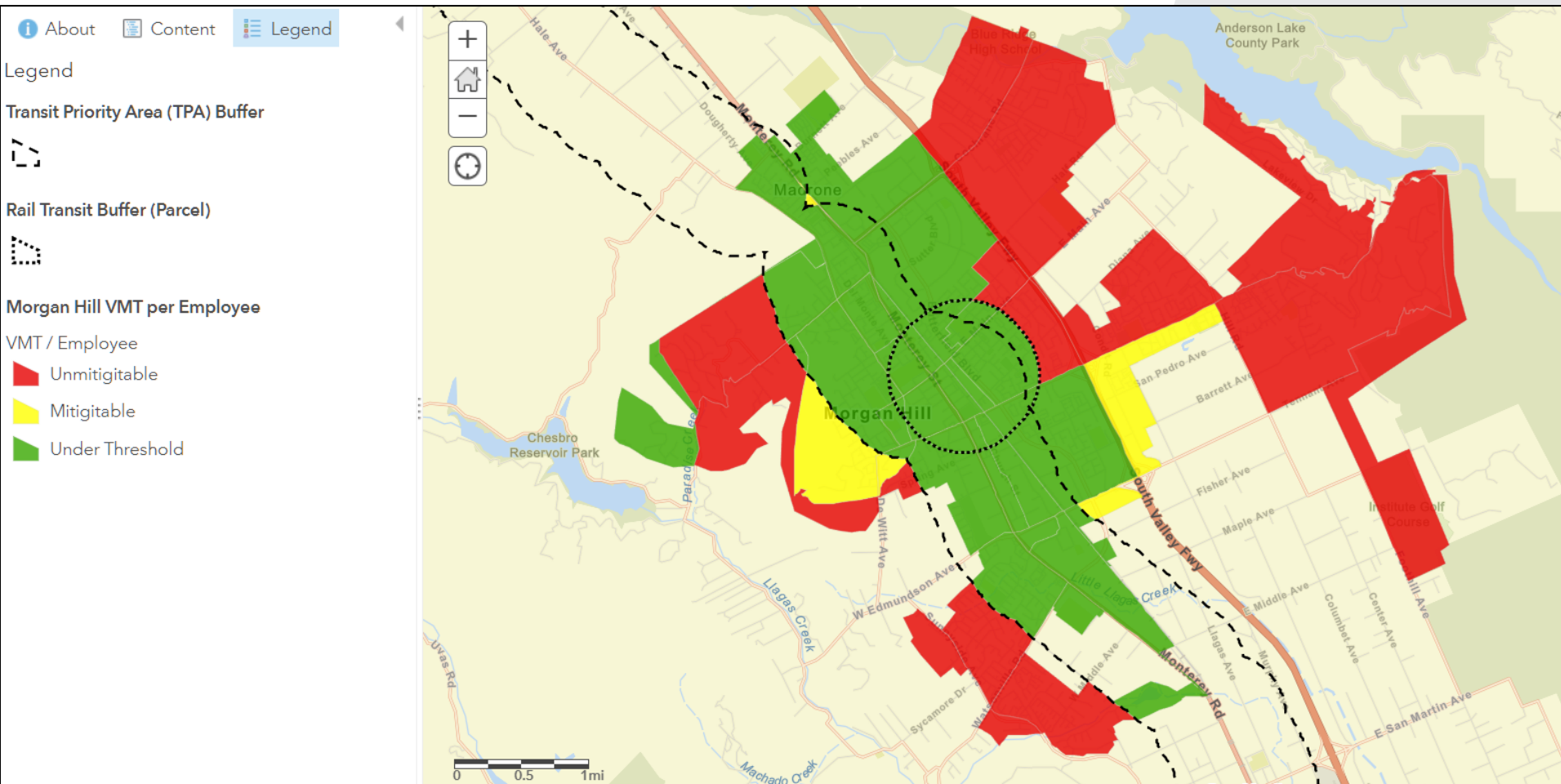
VMT per Capita (Morgan Hill Threshold)



Citywide VMT Policy



VMT per Employee (Morgan Hill Threshold)



Citywide VMT Policy



Recommendation

- Adopt Resolution adopting VMT Screening Criteria and Thresholds of Significance regarding the City's implementation of SB 743

Questions?



CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2024

PREPARED BY:

Shane Palsgrove, Police Chief

Baraka Carter, Fire Chief

APPROVED BY: City Manager

RECEIVE POLICE AND FIRE PUBLIC SAFETY UPDATE

RECOMMENDATION(S)

Receive the Police and Fire Public Safety Update.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Council Ongoing Priorities

Enhancing Public Safety and Quality of Life

Preserving and Cultivating Public Trust

Guiding Documents

Public Safety Master Plan

Fire Services Standards of Coverage

REPORT NARRATIVE:

This report provides a summary of department activities for Morgan Hill Police and Fire.

The Police Department's summary covers January-December 2023 and includes a prelude of activities in 2024. This report provides a summary of the Morgan Hill Fire Department's activities since the beginning of 2024.

Police Department's 2023 Summary:

Crime Statistics (Exhibit A)

In 2023, the crimes against persons of homicide, rape, and aggravated assault decreased 19% from 2022. The total number of crimes in 2023 for all three categories is 102, compared to 126 crimes for all three categories in 2022. Our clearance rates (the percentage of crimes that are considered solved by law enforcement after an arrest) for crimes against persons is consistently higher than reported by surrounding law enforcement, law enforcement agencies statewide, and law enforcement agencies in the Pacific Region.

Crimes against property consist of robbery, burglary, larceny, motor vehicle theft, and arson. In 2023, arson crimes increased exponentially because of a serial arsonist in our

community. Robberies increased by about 64%, but most crimes are shoplifting incidents ending in use of force. However, burglary, larceny, and motor vehicle thefts decreased in 2023. We contribute this reduction in these crimes against property to higher staffing levels and the City Council approved funding for the license plate reader technology and cameras.

We recognize that the following factors can also contribute to crime rates in Morgan Hill, such as socioeconomic disparities and social and cultural dynamics, including demographics, environmental issues, judicial systems, political views, technological situations, and psychological/behavioral traits. It is important to address these factors as well by imploring new means and practices of responding to crime incidents.

Our police officers' proactive responses to the stolen vehicle alerts have resulted in the apprehension of 263 offenders and 960 offenses since the inception of the Flock Safety ALPR cameras in August 2021 and December 2022. If not apprehended, these offenders would likely have reoffended, increasing the number of crime incidents. This is one way that technology has aided police officers and detectives in solving crimes.

We anticipate that the crime trends in 2024 will match those of 2023.

Response Times (Exhibit B)

We have met our internal response time goal in Priority 1 and 2 Calls for Service. There is no single, universally adopted industry standard for police response times across all police departments. However, many police departments like ours use target response times that are common in law enforcement.

Priority 1 Calls - This category signifies a present or *imminent* danger to life or major damage to or threat to property. Our response time goal is 5 minutes. In 2023, our average response time was 3:39 minutes.

Priority 2 Calls - This category is when the *immediate* presence of the police may save a life, prevent serious injury or major property loss, or lead to the arrest of a felon. Our response time goal is 8 minutes. In 2023, our average response time was 5:25 minutes.

Police Officer Staffing (Exhibits C)

Police staffing growth needs to be strategic and thoughtful. As history has demonstrated, in 1992, budget reductions resulted in police officer layoffs (a reduction from 34 police officers to 19 police officers), which had detrimental and long-lasting effects on police officer retention. Staffing enhancements must be done with absolute prudence so as not to result in layoffs or reduction in competitive salaries/benefits to avoid long-lasting consequences of police officer retention and a reduction to community services, which will erode the community's trust and confidence in their police department.

During 2023, Morgan Hill had 42 police officers and a population over 46,333 (according to California Department of Finance), which means there were approximately .91 police officers per 1,000 residents. The per capita average for police departments in Santa

Clara County is 1.1 police officers per 1,000 residents.

In the near future, as funding permits, we recommend hiring an additional seven (7) police officers (in addition to what is allocated in our FY24-25 and FY25-26 budgets), reaching a total of 51 police officers and a ratio of 1.10 police officers per 1,000 residents based on the City's 2023 population. This is a conservative recommendation for our staffing levels to reach a ratio consistent with the standard in our county.

There are also indicators that support the need for police staffing enhancements in Morgan Hill, such as, comparable data among law enforcement agencies in Santa Clara County:

- Police Officer Staffing Ratio (Exhibit D)
- Police Officer Activity (Exhibit E)
- Arrests per Officer (Exhibit F)
- Reports per Officer (Exhibit G)

Additionally, the following comparison data for Morgan Hill also confirms the indicators for police staffing enhancements:

- Number of Calls per City Sector (Exhibit H)
- Annual Special Events Impacting Morgan Hill (Exhibit I)
- Number of 911 Calls Comparison (Exhibit J)

While we have not seen significant impacts on crime rates or response times, our police officers are nearing or are at capacity with their time to be proactive. This means that police officers' proactivity will soon be filled with reactive calls for service, and there will be less time for police officers to patrol the streets to prevent auto collisions and/or crimes. It also means, for example, that the growing number of special events (~45) requiring police officers to work mandatory overtime in addition to their job's demands (including callouts, training, case investigations, vacancy coverage, collateral duties, court appearances, and more) on their days off is contributing to job burn out and their ability to ensure their well-being. This can lead to an increase of job-related injuries, high turnover, more sick leave, etc.

In 2024, we have hired six Police Officers, one Police Records Specialist, two Public Safety Dispatchers, and one Animal Services to fill vacant positions from 2023. We anticipate hiring an additional Police Officer to fill a sworn position that is currently held by a Police Sergeant, who is planning a retirement in December 2024.

Specialty Positions

In 2024, our Police K9, Basco, will be of retirement age and will retire. We have begun discussions on the selection process of an internal police officer and their new canine.

It is expected that the new team will begin apprehension and explosives detection training in 2025. (Exhibit K)

Our Psychiatric Emergency Response Team (PERT) ended in 2023 because the grant concluded. However, the Santa Clara County Board of Supervisors provided funding for another full-time mental health clinician to be assigned to Morgan Hill Police Department by November 2023 to provide a rapid mental health crisis response with a specialty-trained police officer. This position has not been filled due to hiring challenges the Santa Clara County Behavioral Health Department is experiencing.

Meanwhile, the Santa Clara County Mental Health Teams that are available for our community and police department to use are as follows (Exhibit L):

- Mobile Crisis Response Team (MCRT) - Services for adults 18+
- In-Home Outreach Team (IHOT) - Service for adults 18+ with Medi-Cal or no insurance.
- Trusted Response Urgent Support Team (TRUST) - Services for adults 18+
- Mobile Response and Stabilization Services (MRSS) - Services for children and young adults ages 4 -20

There are seven multi-jurisdictional task force teams in our county that law enforcement agencies can participate in to increase enforcement of specific crimes.

Those teams consist of (Exhibit M):

1. Regional Enforcement Allied Computer Team (REACT)
2. Santa Clara County Special Enforcement Team (SCCSET)
3. Regional Auto Theft Task Force (RATTF)
4. Drug Enforcement Agency Task Force (DEA)
5. Law Enforcement Investigating Human Trafficking Task Force (LEIHT)
6. Gun Violence Task Force (GVTF)
7. Sexual Assault Felony Enforcement Task Force (SAFE)

Our police department has participated in some of these task forces as our police officer staffing allows, but in 2023 we removed police officers from the two task force teams we were a part of, SCCSET and REACT due to the higher priority needs within the City.

The higher priorities were increasing our traffic team to address traffic issues, increasing the number of patrol officers to continue proactive policing practices to decrease crime incidents, and filling vacant detective positions to keep the detective bureau actively investigating and solving crimes.

Grants/Funding Revenues (Exhibit N)

In 2023, the police department added a police sergeant to the traffic team and increased the traffic team from three traffic officers to five traffic officers.

In 2024, the Traffic Sergeant applied for traffic grants to enhance traffic safety in Morgan Hill.

The following grants have been awarded:

- California Office of Traffic Safety (OTS) (\$28,700)
 - Traffic Records Improvement Project
- California Highway Patrol (CHP) (\$344,229)
 - Impaired Driving Enforcement and Police Equipment/Vehicles to Support Enforcement
- U.S. Congresswoman Zoe Lofgren/U.S. Bureau of Justice Assistance (BJA) (\$100,000)
 - Driving Under the Influence and Traffic Enforcement
- California Office of Traffic Safety (OTS) (\$87,000)
 - 2 Driving Under the Influence (DUI) Checkpoints
 - 7 DUI Saturation Patrols looking for impaired driving behaviors
 - 1 DUI Warrant Enforcement Operations
 - 2 Court Operations, enforcing Suspended Driver's Licenses
 - 9 Traffic Enforcement Operations in areas of the city with a high number of vehicle collisions
 - 3 Traffic Safety Presentations focusing on impaired driving, distracted driving, speeding, and safety
 - 3 Distracted Driving Operations
 - 2 Know Your Limits Program campaigns

Subtotal Grant Amount Awarded: \$559,929

In addition, the police department received grant funding from the U.S. Bureau of Justice and Community Law Enforcement Foundation:

- U.S. Bureau of Justice Assistance (BJA) (\$5,801)
 - Bulletproof Duty Vest Partnership Program
- Morgan Hill Community Law Enforcement Foundation (CLEF) (\$53,123)
 - Armored Plates for Bulletproof Duty Vests

Subtotal Received: \$58,924

Total Grant/Funding Revenues: \$618,853

2024 Projects (Exhibit O)

The police department will have several significant projects underway in 2024-2025. To include:

- California Peace Officers Standards and Training (POST) Staffing Study. The study includes guidance with the following:
 - Outlining the need for necessary resources to respond to public safety needs.

- Organization structure/staffing
- Patrol workload and staffing allocation
- Replacement Report Writing Management System (RMS) and New Computer Aided Dispatching System (CAD)
 - In July 2024, the police department was notified that AXON could not fulfill their current agreement.
 - Engaging in negotiations with vendor and scoping out a path forward.
 - Transitioning to Sun Ridge System's Records Integrated Management System (RIMS) for public safety software (includes RMS/CAD).
 - Software is used by more than 200 public safety agencies in California.
- Building Expansion
 - The police department has moved the detective bureau and traffic team into the remodeled 6,000-square-foot space previously leased to a private business. This space has improved efficiency in their workspace, providing more room for specialty equipment, evidence processing, individual workspace, interviews, conferences, and privacy.
- Information Services
 - The Chief of Police oversees the City's Information Services Department. The Information Services (IS) Team has significantly improved network stability, cybersecurity, training, leveraging government resources and pricing points.
 - In 2024, the IS department will align with the Municipal Information Systems Association of California Strategic Plan. The three pillars that will be focused on are ***Building Stronger Relationships, Promoting Security, and Leading Innovation.***
 - The IS department continues its ongoing procurement and deployment of cybersecurity tools. Additionally, they continue to partner with our teammates to bring more modern functionality to our financial system and other operational technology needs across the City.
 - The IS Team has also forged new partnerships on our citywide cybersecurity journey. They have partnered with the Cybersecurity and Infrastructure Security Agency and the Department of Homeland Security. Through this partnership, they have been able to leverage services such as best practices, vulnerability scanning, and penetration testing at no cost to the City.

Fire Department's 2024 Summary:

Butterfield Fire Station

On June 7, 2023, the City Council awarded a contract to Larry S. Kent, Inc. DBA Kent Construction for the construction of the Butterfield Fire Station. On September 12, 2024, the Butterfield Fire Station project broke ground. Based on the current construction timeline, the station is estimated to be completed sometime in early 2025. Located at

17285 Butterfield Blvd, the station will provide improved fire protection services to central Morgan Hill, increase Citywide daily staffing capacity, and improve first-due travel time.

On September 6, 2023, the City Council approved the purchase of a Type I Rosenbauer fire engine for the new Butterfield Fire Station. However, due to linger COVID-19 related supply chain disruptions, increased production costs, and manufacturer backlogs, it is estimated that the new Engine 59 will arrive sometime in mid-2026. During the intervening time between the station opening and the delivery of the vehicle, the department plans to staff Truck 57 at El Toro Fire Station and move Engine 57 from El Toro station to Butterfield Fire Station until the new Engine 59 becomes available.

Calls For Service and Response Time

Since the beginning of the calendar year, the Morgan Hill Fire Department responded to 3,987 calls for service. Compared to the same time last year, the Department has identified an increase of 7.7% in emergency responses. Of the nearly four thousand calls for service, approximately 69% of them were medical in nature.

The 911 Emergency Medical Service Provider Agreement between the City of Morgan Hill and the County of Santa Clara requires arrival within 8 minutes 90% of the time for most EMS calls in urban areas (>101 people per square mile), 10 minutes for calls in suburban areas (51-100 people per square mile), and 13 minutes for calls in rural areas (<50 people per square mile). Per County EMS Policy 655, there are response time exceptions for hard to serve areas. Since the beginning of the year, the Morgan Hill Fire Department has an average response time of 6 minutes and 46 seconds for all call types, with a 95% compliance rate for all medical calls.

Staffing and Organization

On May 3, 2023, the City Council approved the renewal of the cooperative fire protection agreement with CAL FIRE for an additional five years at a not-to-exceed amount of \$54,933,517. The agreement for fire protection services by employees of the State of California includes Emergency Fire Protection, Medical and Rescue Response, Basic Life Support Services, Advanced Life Support Services, Dispatch Services, Fire Code Inspection, Prevention and Enforcement Services, Fire Marshaling Services, and state funded Public Education Programs.

Currently, the cooperative fire protection agreement with CAL FIRE allows for the employment of 38.5 full-time equivalent (FTE) positions with a daily minimum staffing consisting of eight (8) line personnel, including at least three (3) paramedics and one (1) chief officer. Once Butterfield Fire Station 59 opens, daily staffing will increase to a minimum of (9) line personnel and (3) paramedics. The Fire Marshal and Emergency Medical Services Battalion Chief are available to respond as additional overhead when needed or to staff the City's Emergency Operations Center (EOC).

On November 1, 2024, CAL FIRE adopted a 66-hour workweek aligning with the approved Bargaining Unit 8 Memorandum of Understanding (MOU) between the State of California and CAL FIRE Firefighters Local 2881. Prior to November 1, 2024, CAL

FIRE firefighters worked 72-hour workweeks, typically consisting of three consecutive 24-hour days, followed by four days off. This transition adds a third platoon to the Department's staffing rotation and aims to prioritize the health and welfare of the State's firefighters. The staffing for the Butterfield Fire Station and the 66-hour workweek has been strategically planned and budgeted since the previous CAL FIRE cooperative agreement in 2022.

Emergency Medical Services

The Department's Emergency Medical Services (EMS) program is very dynamic and is constantly evolving, with EMS responses accounting for over 70% of all incidents. The program is led by one Battalion Chief (17% funded), who's role is to ensure that all frontline personnel are delivering the highest level of professional EMS services.

In 2021, the Department converted an existing Type VI Fire Engine into a two-person rescue squad with the goal of alleviating simultaneous calls for service and to begin the upstaffing required for the new Butterfield Fire Station. Currently, the squad responds to approximately 55% of all medical calls within the city. Additionally, the firefighters on Squad 59 cross-staffs the Department's Rescue Medic 58 in cases where the County's ambulance provider is delayed.

With an estimated starting timeframe of November 2024, Santa Clara County will initiate a Nurse Navigator pilot program. The program aims to reduce ambulance transports for non-emergent 911 calls by connecting patients to a licensed nurse, who will refer patients to alternative care facilities.

Fire Marshal's Office

The Morgan Hill Fire Marshal's Office provides technical information, advice and recommendations regarding enactment, amendment, repeal, and enforcement of fire prevention and suppression ordinances and regulations within the City. In cooperation with the City and the City Attorney, the Fire Marshal's Office enforces and provides services required by the Morgan Hill Municipal Code and mandated by the State and Federal Government, including brush abatement inspections in the Wildland Urban Interface. So far this year, both the Fire Marshal (50% funded) and Deputy Fire Marshal was able to conduct 776 annual fire life safety inspections and 3,175 fire hazard severity zone inspections.

Public Outreach

The Department's public education program has been actively involved in community outreach throughout the year. The Department's involvement has included multiple community events, presentations, and school visits all with a focus on fire prevention education. Some of the many events the Department participated in includes the Easter Egg Hunt at Magical Bridge, Family Health & Wellness Resource Fair, Freedom Fest Parade, National Night Out, and Leadership Morgan Hill Public Safety Day.

COMMUNITY ENGAGEMENT:

Inform.

This report provides an update on public safety for the Community.

ALTERNATIVE ACTIONS:

None

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- February 5, 2020, the City Council received a legislative update
- July 22, 2020, the City Council received a Police Policies and Practices Workshop
- December 21, 2021, the City Council received a Police Department update
- February 20, 2019, the City Council received the Fire Disaster Preparedness report
- February 2, 2024, the City Council received a Fire Department update

FISCAL AND RESOURCE IMPACT:

None. This report is provided for information only.

CEQA (California Environmental Quality Act):

Not a Project. Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.



Morgan Hill

Police and Fire Updates



Morgan Hill Police Department Updates

Topics



1. Crime Statistics
2. Response Times
3. Police Officer Staffing
4. Specialty Positions
5. Grants
6. Projects

2023 Morgan Hill Crime Statistics (Exhibit A)



Beginning Date: 01/01/2023

Ending Date: 12/31/2023

Agency: Morgan Hill Police

Offense	Reported in 2023	Reported in 2022	Percent Change	Offenses Cleared	Percent Cleared	Pacific US 2019 Clearance Rates*	Santa Clara County 2023 Clearance Rates**	CA Clearance Rates**
Murder	0	1	-100.00%	0	N/A	64%	66%	62%
Rape	15	14	7.14%	9	60.00%	32%	22%	27%
Aggravated Assault	87	111	-21.62%	57	65.52%	55%	47%	45%
Crimes Against Persons Total	102	126	-19.05%	66	64.71%			
Robbery	23	14	64.29%	14	60.87%	32%	31%	28%
Burglary/Breaking & Entering	87	110	-20.91%	15	17.24%	12%	9%	10%
Larceny/Theft Offenses	397	436	-8.94%	73	18.39%	12%	9%	8%
Motor Vehicle Theft	124	130	-4.62%	11	8.87%	10%	6%	6%
Arson	10	1	900.00%	5	50.00%	21%	36%	28%
Crimes Against Property Total	641	691	-7.24%	118	18.41%			
Total Group "A" Offenses	743	817	-9.06%	184				

*<https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-26>

**<https://openjustice.doj.ca.gov/exploration/crime-statistics/crimes-clearances>

Police Response Times (Exhibit B)



2023 Police Officer Response Times:

Call Type	# of Calls	Average Response Time	Goal
Priority 1 Calls	177 calls	3:39 minutes	5 minutes
Priority 2 Calls	375 calls	5:25 minutes	8 minutes

Priority 1 Calls—This category signifies a present or imminent danger to life or major damage to/loss of property. Our response time goal is 5 minutes.

Priority 2 Calls—This category is when the immediate presence of the police may save life, prevent serious injury or major, property loss, or lead to the arrest of a felon. Our response time goal is 8 minutes.

Historical Police Officer Staffing (Exhibit C)

*Population was referenced from Department of Finance starting in 2017



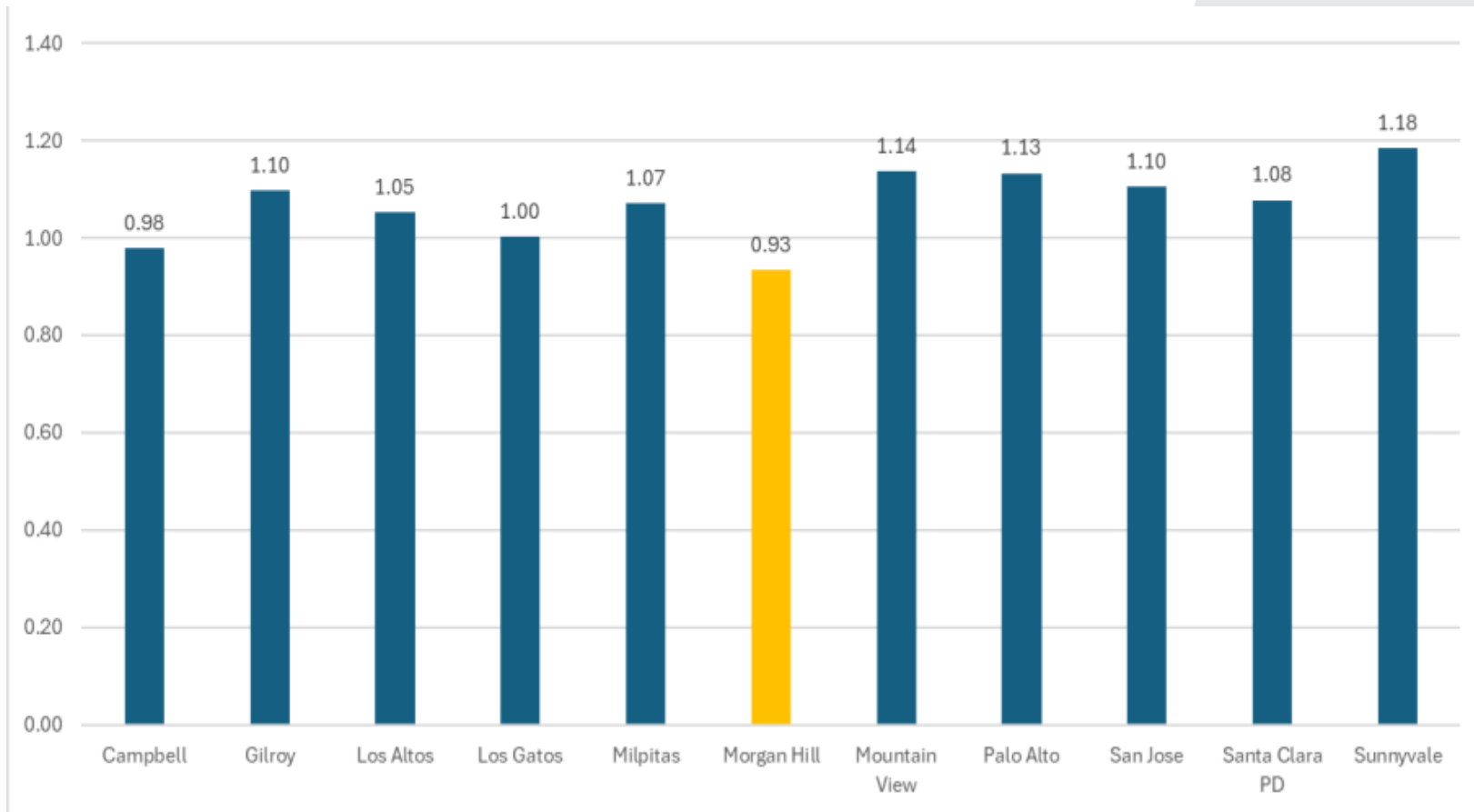
FISCAL YEAR	CITY OF MORGAN HILL POPULATION	MHPD OFFICERS PER 1,000	SWORN OFFICERS
1990/1991	24,755	1.37	34
1991/1992	25,064	1.28	32
1992/1993	25,163	0.76	19
1993/1994	25,703	0.78	20
1994/1995	26,285	0.88	23
1995/1996	27,933	1.04	29
1996/1997	29,246	0.99	29
1997/1998	30,786	0.94	29
1998/1999	31,896	0.91	29
1999/2000	33,092	0.97	32
2000/2001	34,600	0.92	32
2001/2002	34,785	0.92	32
2002/2003	34,918	0.97	34
2003/2004	35,489	0.96	34
2004/2005	36,243	0.91	33
2005/2006	36,970	0.89	33
2006/2007	37,091	0.94	35
2007/2008	36,415	0.96	35
2008/2009	38,051	0.97	37
2009/2010	37,865	0.98	37
2010/2011	38,986	0.92	36
2011/2012	38,327	0.89	34
2012/2013	38,834	0.90	35
2013/2014	39,907	0.88	35
2014/2015	41,585	0.91	38
2015/2016	43,154	0.93	40
2016/2017	43,320	0.89	39
2017/2018	45,277	0.86	39
2018/2019	43,910	0.82	38
2019/2020	44,730	0.89	41
2020/2021	45,203	0.88	41
2021/2022	46,480	0.91	42
2022/2023	46,233	0.91	42
2023/2024	46,333	0.91	42

Police Officer Staffing Ratio (Exhibit D)



*Population Data was referenced from US census—Santa Clara County Crime Strategies Unit

2023 Staffing Ratios in Santa Clara County

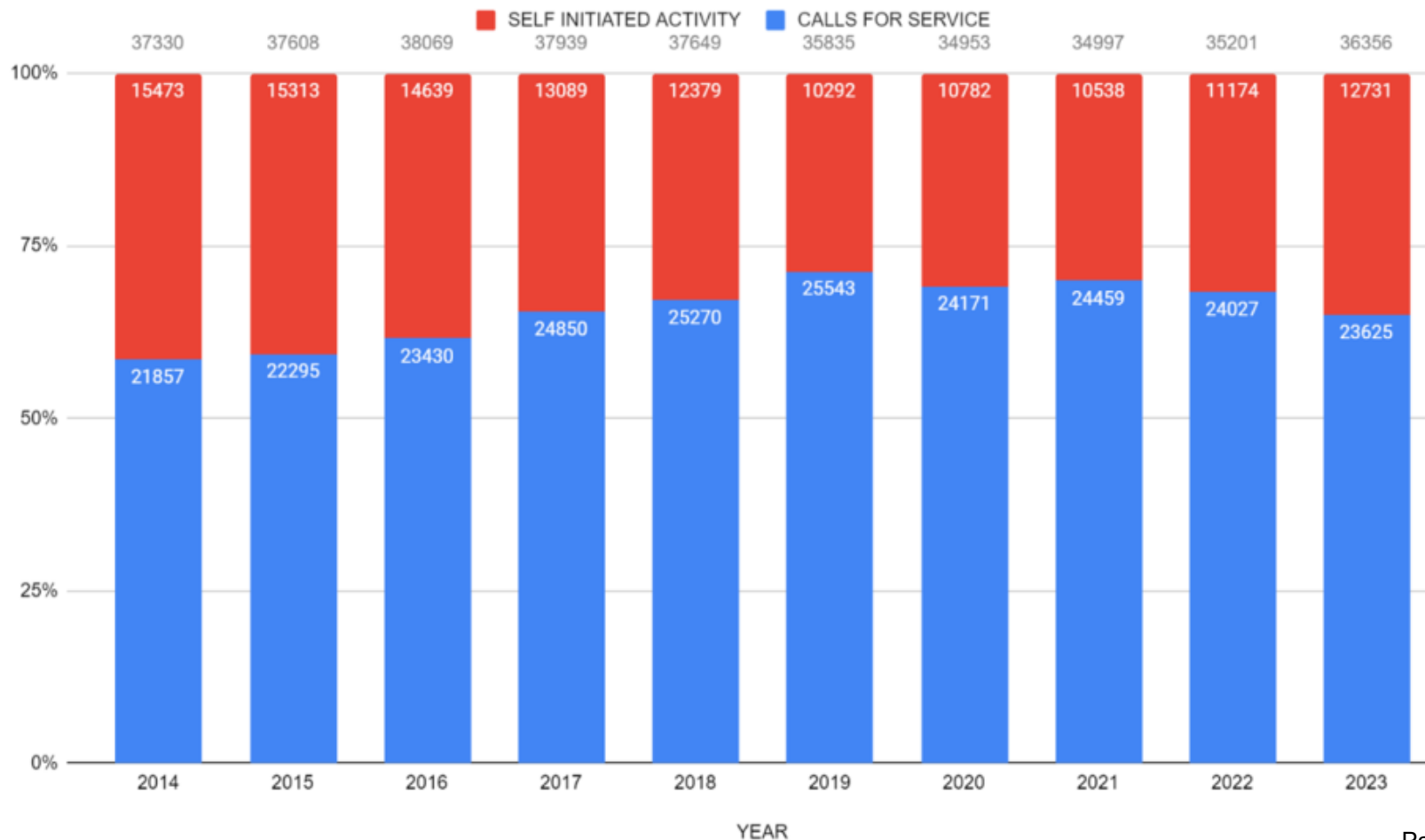


Police Officer Activity (Exhibit E)

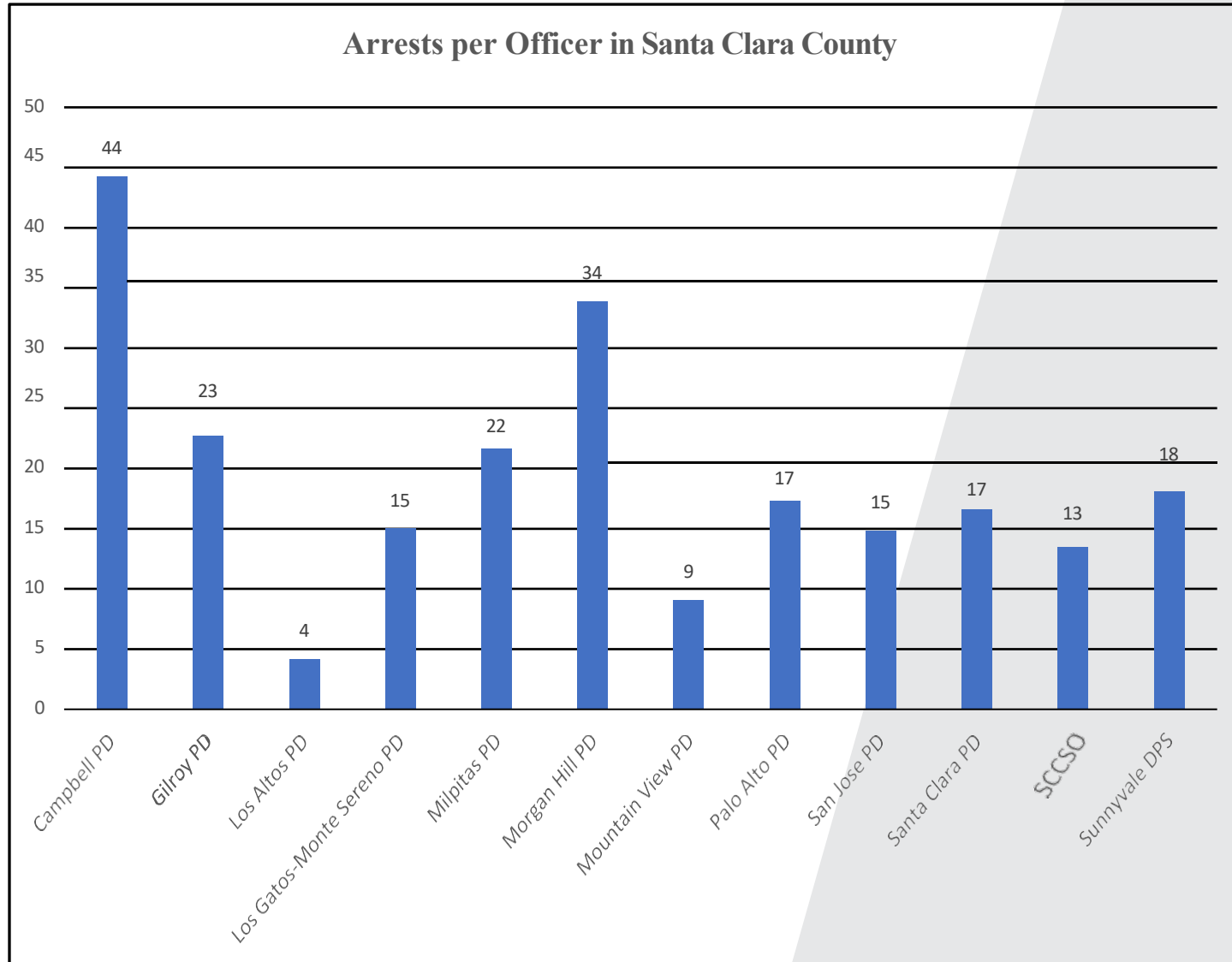


Calls For Service vs Police Officer Initiated Activity

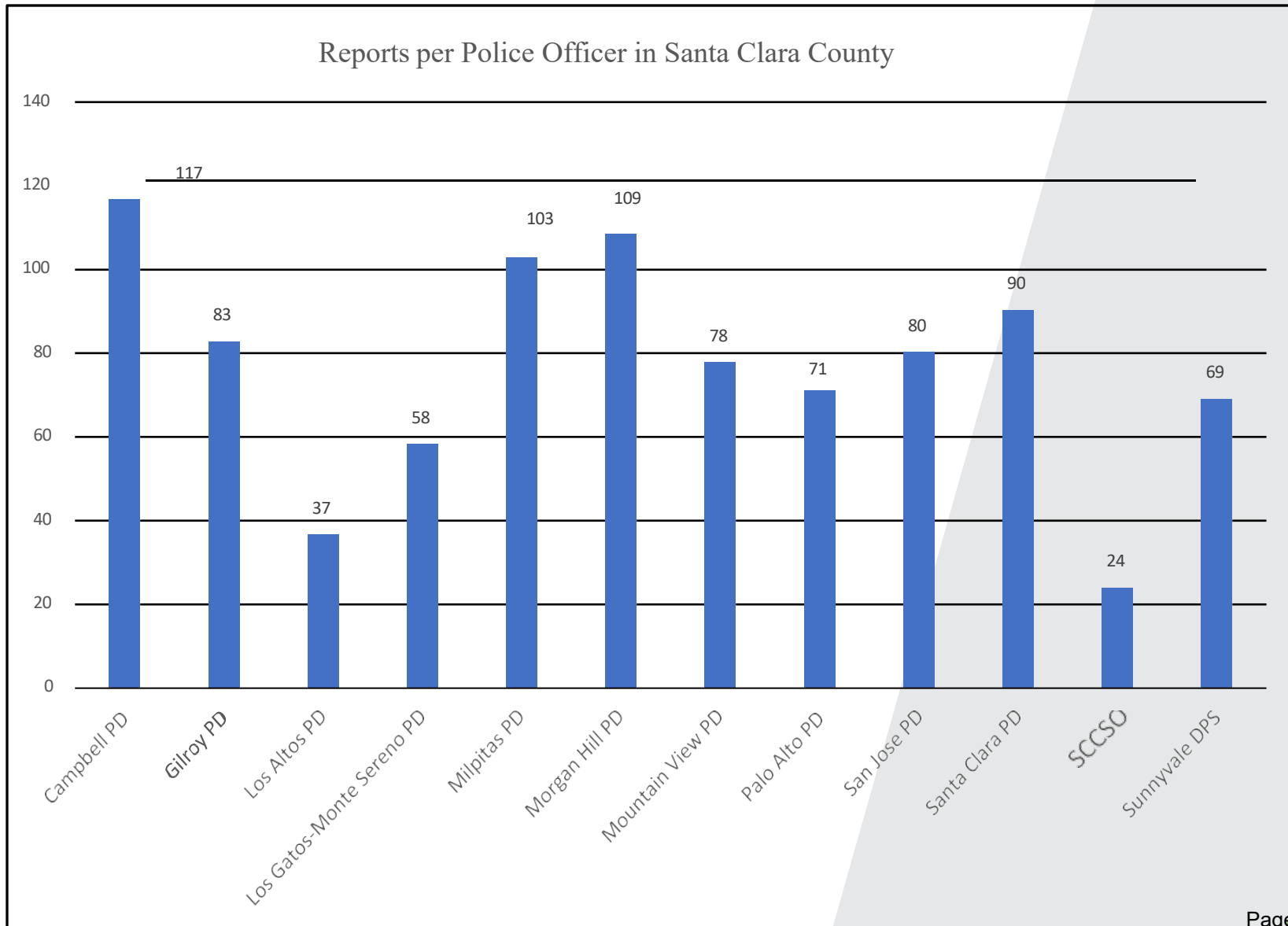
*Data listed in the thousands



Arrests per Officer (Exhibit F)



Reports per Officer (Exhibit G)

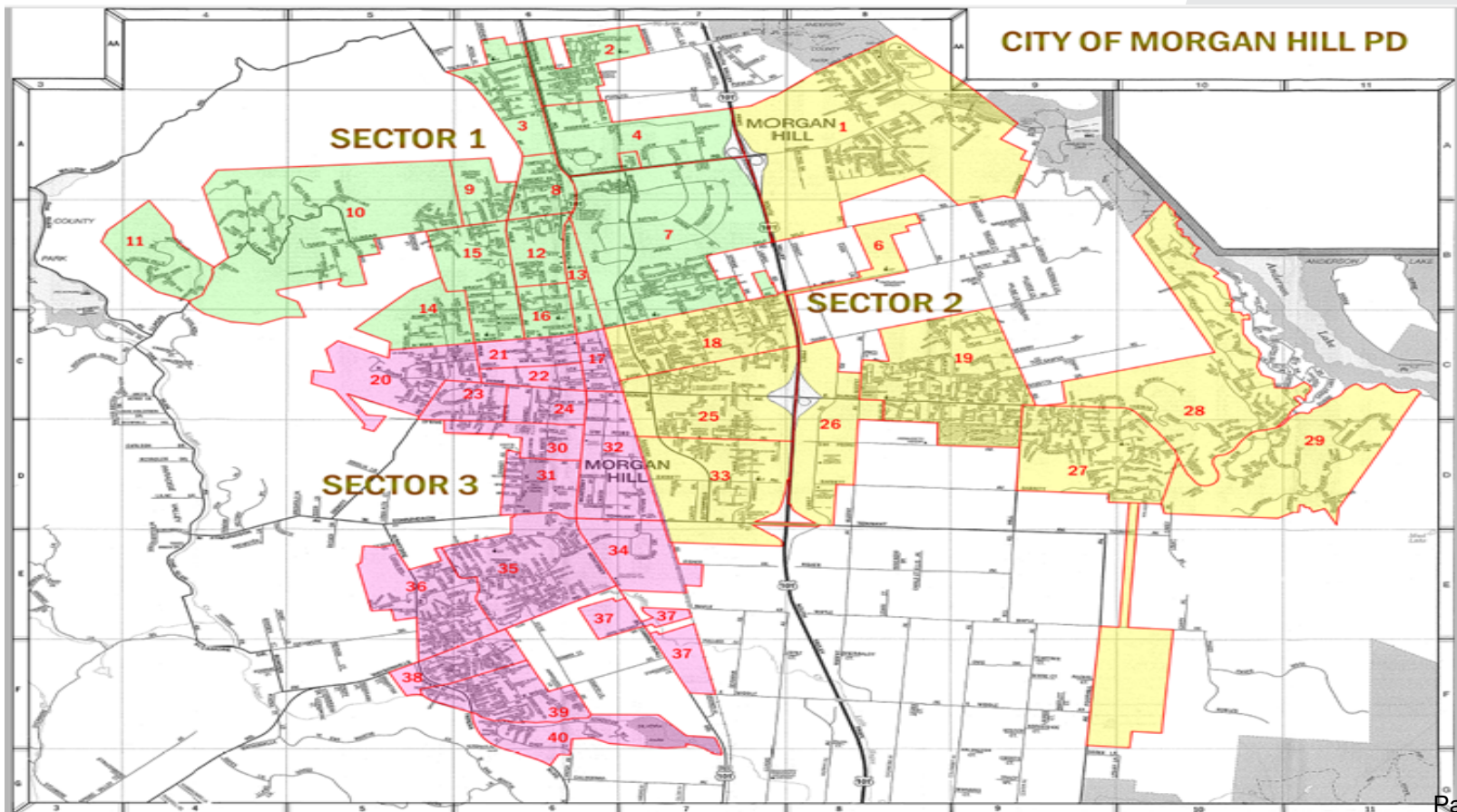


Calls per City Sector (Exhibit H)



The City of Morgan Hill is divided into three sectors as way for the police department to divide resources to improve crime prevention strategies and response times.

5 Years of Calls for Service per City Sector		
Sector 1	Sector 2	Sector 3
26,351	31,865	44,111



Annual Special Events Impacting Morgan Hill (Exhibit I)



January:

Brian Malick Swim Meet
Farmer's Market

February:

Super Bowl
Surf Cup Soccer Tournament
Farmer's Market

March:

Wildflower Run
Farmer's Market

April:

Tierra Bella Ride
Wine Stroll
Farmer's Market

May:

Cinco de Mayo
Mushroom Mardi Gras
Memorial Day
Farmer's Market

June:

Friday Night Music Series
Farmer's Market

July:

Boot and Brews Concert
Freedom Fest
Friday Night Music Series
Farmer's Market

August:

National Night Out
Ganapathi Walk
Friday Night Music Series
Farmer's Market

September:

Brew Crawl
Morgan Hill Blues Festival
Taste of Morgan Hill
Chamber of Commerce Car Show
Fiestas Patrias
Labor Day
Friday Night Music Series
Farmer's Market

October:

Safe Trick or Treat
British Fall Car Show
Farmer's Market
Mohi Food and Wine Dining Event

November:

Veteran's Day Run
Thanksgiving Eve "Blackout Wednesday"
Black Friday
Farmer's Market

December:

Holiday Lights Parade
Our Lady of Guadalupe Procession
Chanukah Event at CCC
Farmer's Market

Other:

Faith-based Events, School Events, City Events, Grant Events, New Events.

911 Calls Comparison (Exhibit J)



911 Calls for Service in Morgan Hill				
	# of Inbound Calls	# of Abandoned Calls	Total # of Calls	Avg Call Duration in Seconds
January 2022	1,049	60	1,109	114.3
February 2022	939	68	1,007	114.7
March 2022	983	78	1,061	115.6
April 2022	962	51	1,013	118.9
May 2022	1,222	60	1,282	115.4
June 2022	1,080	53	1,133	109.6
July 2022	1,182	72	1,254	113.0
August 2022	1,220	52	1,272	125.7
September 2022	957	55	1,012	124.6
October 2022	1,068	61	1,129	123.0
November 2022	1,011	71	1,082	112.1
December 2022	1,162	69	1,231	112.4
January 2023	969	62	1,031	118.2
February 2023	985	63	1,048	119.0
March 2023	1,109	63	1,172	107.4
April 2023	1,108	85	1,193	108.2
May 2023	1,132	78	1,210	116.0
June 2023	1,287	92	1,379	94.4
July 2023	1,278	85	1,363	114.4
August 2023	1,161	82	1,243	127.6
September 2023	1,082	54	1,136	140.5
October 2023	1,149	61	1,210	127.6
November 2023	893	49	942	135.9
December 2023	963	71	1,034	137.0

Specialty Positions (Exhibit K)



K-9 Team

- K-9 Basco will retire in 2024
- Testing process for new K-9 Handler
- Selection of new K-9
- Apprehension and Explosives Detection training for new K-9 Team will be in 2025

Resource Teams (Exhibit L)



Psychiatric Emergency Response Team (PERT)

- 1 Licensed Mental Health Clinician and 1 Police Officer who provides a Rapid Mental Health Crisis Response

County Mental Health Teams

- Mobile Crisis Response Team (MCRT)
 - Services for adults 18+
- In-Home Outreach Team (IHOT)
 - Service for adults 18+ who have Medi-Cal or no insurance
- Trusted Response Urgent Support Team (TRUST)
 - Services for adults 18+
- Mobile Response and Stabilization Services (MRSS)
 - Services for children and young adults ages 4 -20

Regional Task Force Teams (Exhibit M)

Regional Task Force Teams:

1. Regional Enforcement Allied Computer Team (REACT)
2. Santa Clara County Special Enforcement Team (SCCSET)
3. Regional Auto Theft Task Force (RATTF)
4. Drug Enforcement Agency Task Force (DEA)
5. Law Enforcement Investigating Human Trafficking Task Force (LEIHT)
6. Gun Violence Task Force (GVTF)
7. Sexual Assault Felony Enforcement Task Force (SAFE)

Police Department's Task Force Participation:

- Ended 2012 - Unified Narcotic Enforcement Team (UNET)
- Ended 2016 - Drug Enforcement Agency Task Force (DEA)
- Ended 2021 - Regional Enforcement Allied Computer Team (REACT)
- Ended 2022 - Santa Clara County Special Enforcement Team (SCCSET)
- 2024-Current - Regional Auto Theft Task Force (RATTF)

Grants/Funding Revenues (Exhibit N)



- **California Office of Traffic Safety (OTS)**
 - Traffic Records Improvement Project (\$28,700)
- **California Highway Patrol (CHP)**
 - Impaired Driving Enforcement and Police Equipment/Vehicles to Support Enforcement (\$344,229)
- **U.S. Congresswoman Zoe Lofgren/U.S. Bureau of Justice Assistance (BJA)**
 - Driving Under the Influence and Traffic Enforcement (\$100,000)
- **California Office of Traffic Safety (OTS)**
 - 24 Impaired Driving Enforcement Operations (\$87,000)

Subtotal Grant Amount Awarded: \$559,929

Grants/Funding Revenues Continued (Exhibit N)



- **U.S. Bureau of Justice Assistance (BJA)**
 - Bulletproof Duty Vest Partnership Program (\$5,801)
- **Morgan Hill Community Law Enforcement Foundation (CLEF)**
 - Armored Plates for Bulletproof Duty Vests (\$53,123)

Subtotal Received: \$58,924

Total Grant/Funding Revenues: \$618,853

2024 Projects (Exhibit O)



California Peace Officers Standards and Training (POST) Staffing Study

- Study Highlights Include Guidance with:
 - Outlining the need for necessary resources
 - Organization structure/staffing
 - Patrol workload and staff allocation

Replacement Records Management System (RMS) and New Computer Aided Dispatch (CAD)

- Notified in July 2024 that AXON could not fulfill their current agreement
- Transitioning to Sun Ridge System's RIMS Integrated Public Safety Software (includes RMS/CAD)
 - Used by more than 200 public safety agencies in California

2024 Projects (Exhibit O)



Police Department Building Expansion

- Remodeled 6,000 square foot space in building
 - Detective Bureau
 - Traffic Team

Information Services

- The Chief of Police oversees the City's Information Services (IS) Department
- Ongoing procurement and deployment of citywide cybersecurity tools
 - Cybersecurity and Infrastructure Security Agency
 - Department of Homeland Security
 - Municipal Information Systems Association of California Strategic Plan

Questions?





Morgan Hill Fire Department Status Report



Fire Station Project

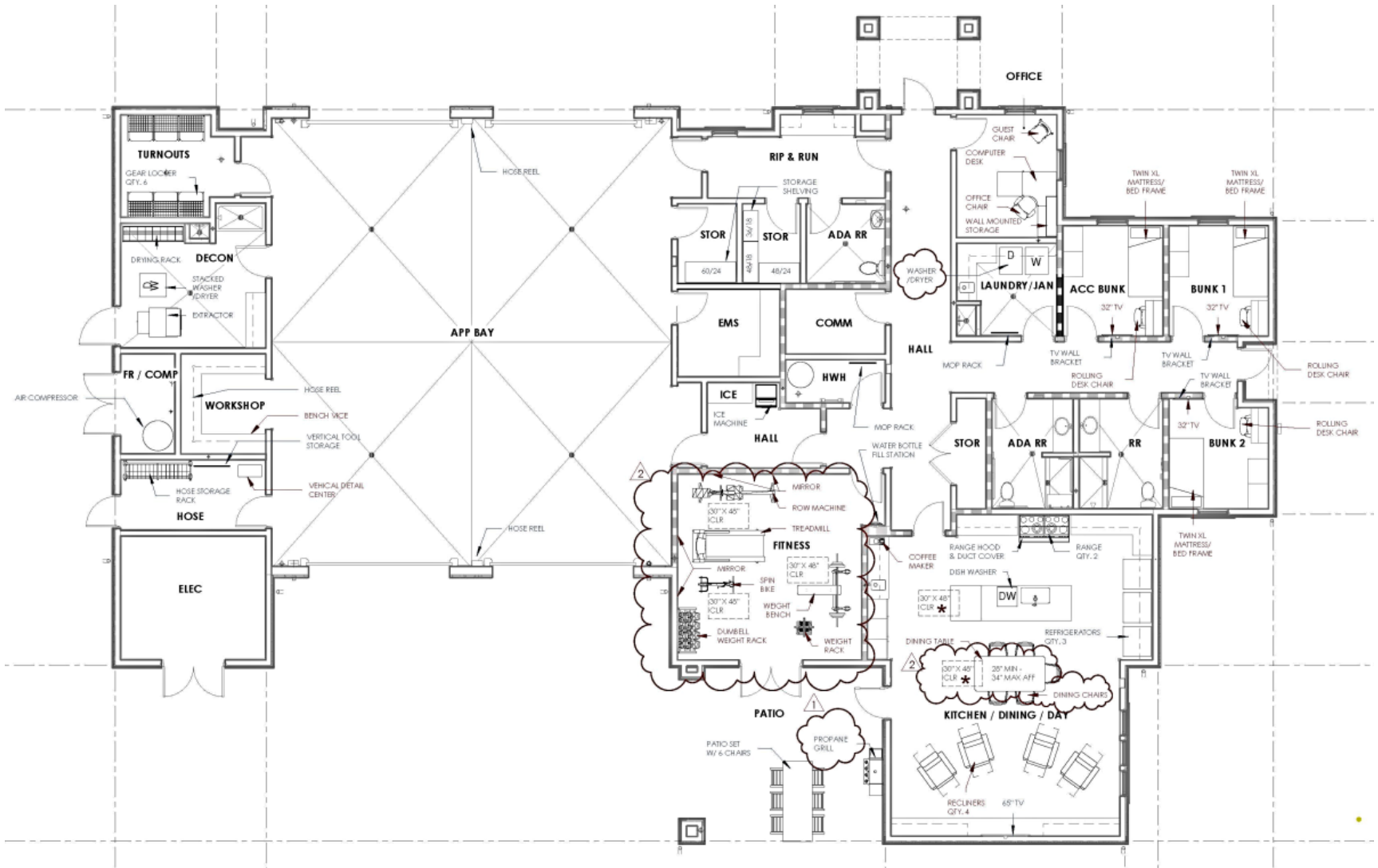
Butterfield Fire Station

- In progress
- Estimated early 2025 completion
- Will serve central Morgan Hill

Fire Engine 59

- In progress
- Estimated mid 2026 completion
- Staff will transition from Squad 59

Fire Station Project



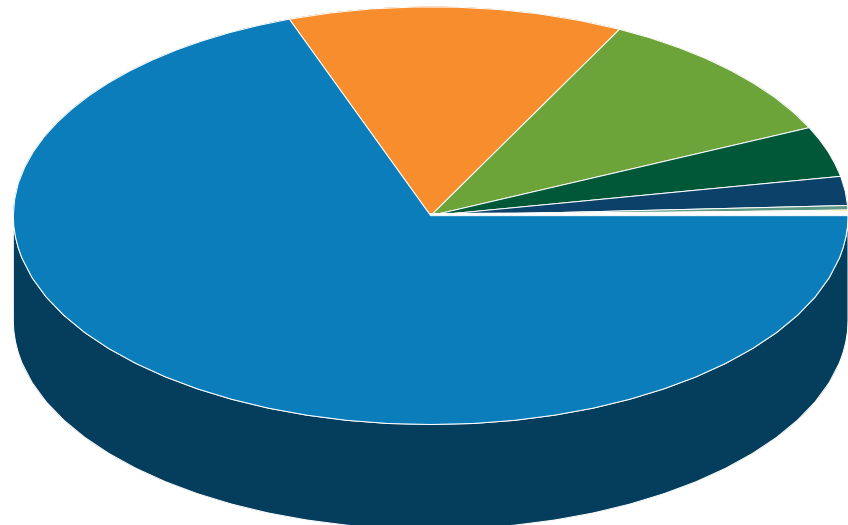
Fire Station Project



Calls For Service

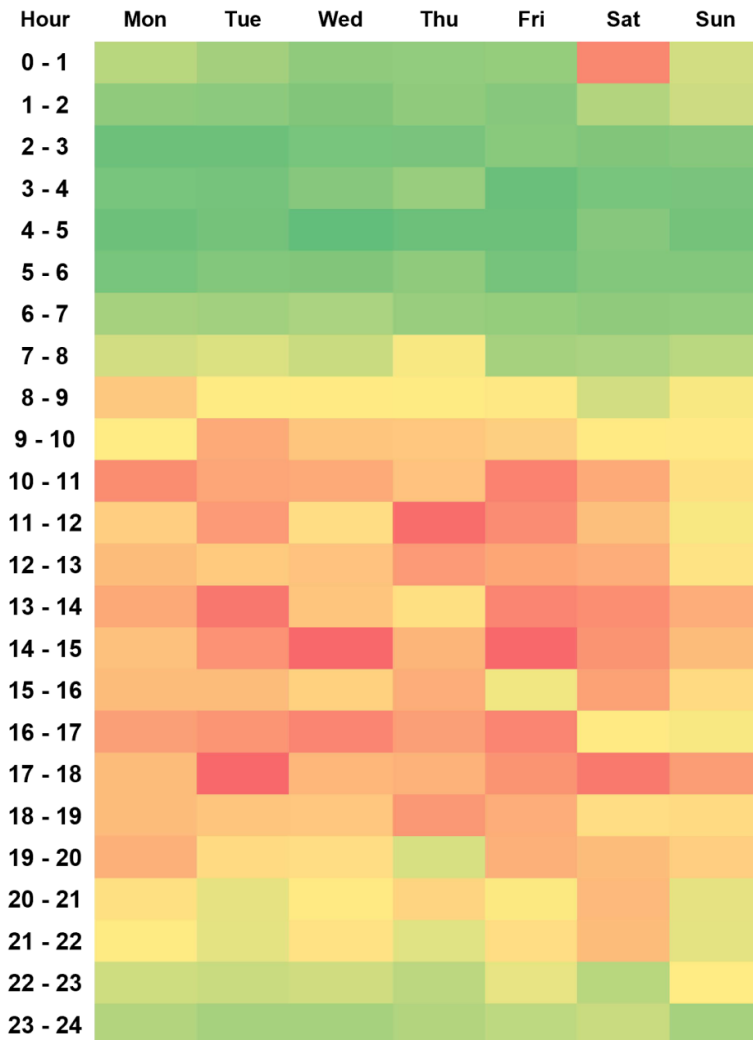
Call Type	#
Medical Aids	2,771
Traffic Collisions	156
Haz-Mats	89
Vehicle Fires	14
Structure Fires	10
Vegetation Fires	7
Other Fires	423
Miscellaneous	517
Total Calls	3,987

* YTD as of 10/31/2024 *

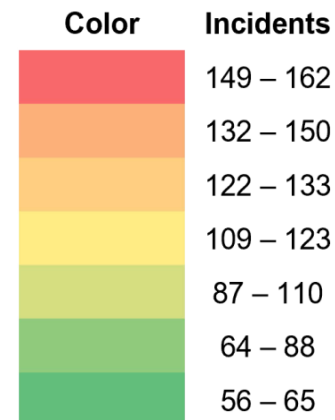


- Medical Aids - 69%
- Miscellaneous - 13%
- Other Fires - 11%
- Traffic Collisions - 4%
- Haz-Mats - 2%
- Vehicle Fires - <1%
- Structure Fires - <1%
- Vegetation Fires - <1%

Calls For Service



- There is a consistent increase in calls for service on Saturday between midnight and 1:00 a.m.



Response Times



The 911 Emergency Medical Services Provider Agreement between the City of Morgan Hill and the County of Santa Clara requires arrival within 8 minutes, 90% of the time for all EMS calls

Response Time By Apparatus

- Engine 57: 7 minutes, 21 seconds
- Truck 57: 7 minutes, 11 seconds
- Squad 59: 6 minutes, 11 seconds
- Engine 58: 6 minutes, 59 seconds

Fire Engine vs Fire Truck

Fire Engine

- 1500 gallons per minute
- 750-gallon water tank

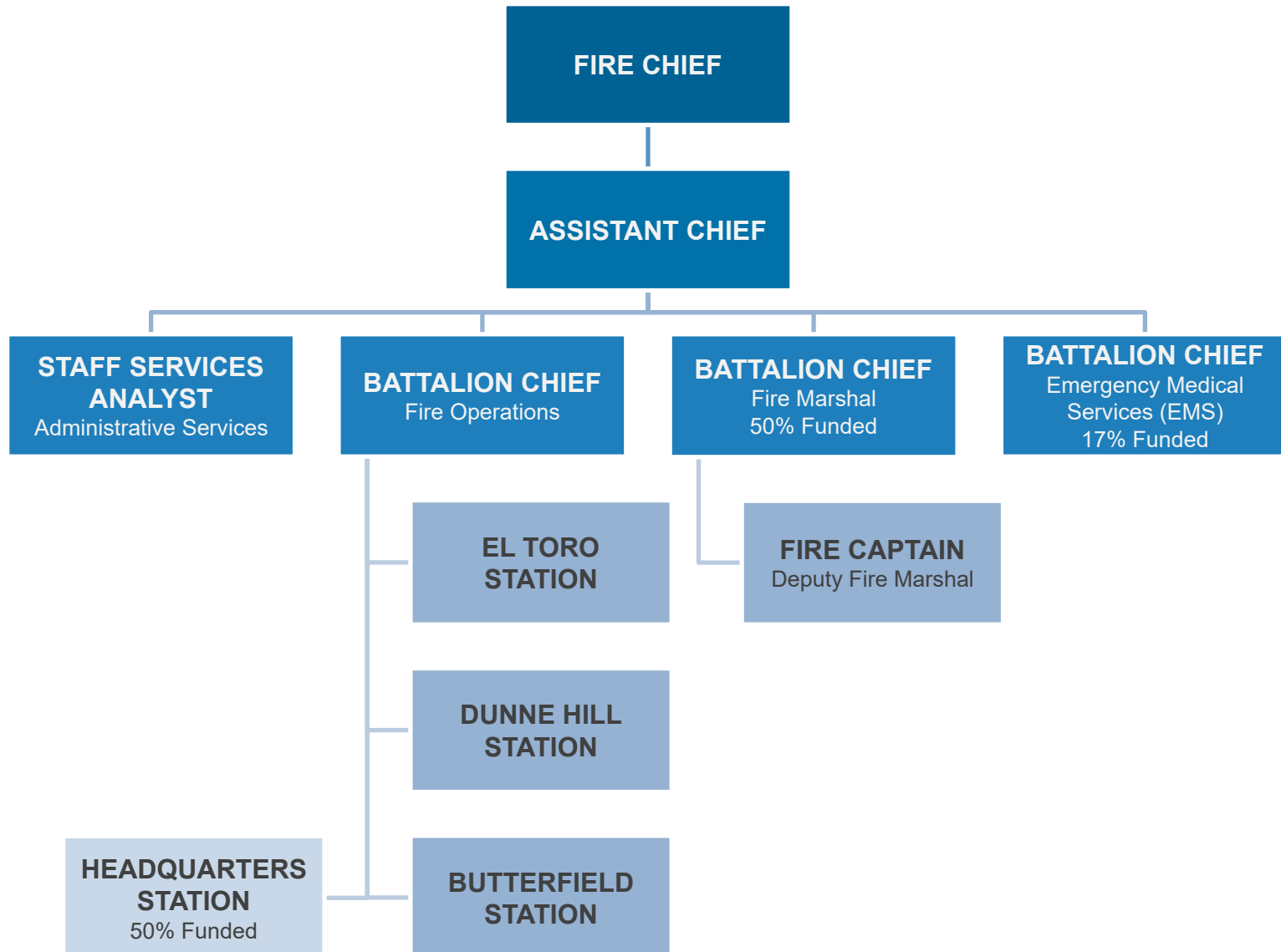


Fire Truck

- 2000 gallons per minute
- 475-gallon water tank
- 105' rear-mount ladder



Department Organization



Staffing Vacancies



- The Morgan Hill Fire Department currently has the following vacancies:

2 positions

Battalion Chief

3 positions

Fire Captain
(Paramedic)

6 positions

Fire Apparatus
Engineer (Paramedic)

66-Hour Workweek

- Aims to prioritize the health and welfare of firefighters
- Start date: November 1, 2024
- Transition from a 72-hour to 66-hour
- Will add 3rd platoon
- Staffing for Butterfield Station and the 66-hour workweek has been strategically planned and budgeted since 2022

EMS Program



Squad 59

- Responds to 55% of medical calls
- Cross-staffs Rescue Medic 58
 - Serves as an additional resource when the County's ambulance provider is delayed

Nurse Navigator - Pilot Program

- Estimated start date: Mid November 2024
- Aims to reduce ambulance transports for 911 calls with non-emergency injuries or illnesses

Fire Marshal's Office



- Reimplemented fire and life inspections by fire engine company personnel
- Began work on the Community Wildfire Protection Plan

776

Annual Fire Life Safety Inspections

3,175

Fire Hazard Severity Zone Inspections

Public Outreach Events



- Easter Egg Hunt @ Magical Bridge
- Earth Day Festival
- Family Health & Wellness Resource Fair
- Freedom Fest Parade
- National Night Out
- Leadership Morgan Hill Public Safety Day



Questions?



CITY COUNCIL STAFF REPORT

MEETING DATE: November 6, 2024

PREPARED BY:

Christina Turner, City Manager

APPROVED BY: City Manager

PROVIDE DIRECTION TO STAFF ON PROPOSED FUTURE COUNCIL INITIATED AGENDA ITEM

RECOMMENDATION(S)

Determine if the majority of the City Council wants the following item agendaized at a future meeting for discussion:

Expand multiunit non-smoking ordinance to include all residential properties.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Supporting our Youth, Seniors, and Entire Community

Enhancing Public Safety and Quality of Life

2024-2025 Strategic Priorities

Healthy Community

REPORT NARRATIVE:

Section 4.2 of City Council Policy 97-01 (Attachment 1) allows members of the City Council to request items be added to an upcoming City Council agenda by requesting an item during the "Future Council Initiated Agenda Items" section of the agenda. A City Council report will then be placed on an upcoming agenda for Council discussion and consideration.

Below is a brief description of a recent item proposed for Council consideration.

1. Consider expanding multiunit non-smoking ordinance to include all residential properties (requested by Council Member Spring, Attachment 2)

Following the September 4, 2024 City Council discussion on an ordinance prohibiting smoking in multiunit residences, Council Member Spring requested expanding the ordinance to include all residential properties within City limits.

The City received grant assistance from Santa Clara County's Public Health Department (PHD) to implement tobacco prevention policies to reduce exposure to secondhand smoke. City staff reached out to PHD's Consultant to obtain statistics on cities that have

banned smoking in single-family homes, and, of the 100 California jurisdictions that regulate smoking, none of them apply to single-family homes.

The Consultant also noted:

- Cudahy, in Los Angeles County, includes single family homes with an Accessory Dwelling Unit in their definition of a "multiunit residence".
- Alameda County prohibits smoking on properties where there are two or more stand-alone homes on the same lot in their definition of "multiunit residence".

Staff is seeking direction from the City Council on whether it would like to agendize this item for a formal discussion. The estimated staff time to prepare a full City Council Staff Report on this topic is approximately 4 hours.

COMMUNITY ENGAGEMENT:

This report seeks direction from the City Council on whether or not to further agendize this topic for Council consideration.

ALTERNATIVE ACTIONS:

Not Applicable

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Council Member Spring directed staff to bring back this topic for Council consideration on September 4, 2024.

FISCAL AND RESOURCE IMPACT:

There is no fiscal impact associated with seeking direction from the Council on this item. Should the Council decide to further agendize this topic, expertise from the PHD Consultant may be provided through the Healthy Cities Program grant the City received.

CEQA (California Environmental Quality Act):

Not a Project.

Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP-97-01

SUBJECT: RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS, PLACEMENT OF ITEMS ON THE AGENDA, AND MATTERS TO BE RECONSIDERED

EFFECTIVE DATE: May 7, 1997

REVISED DATE: March 15, 2023

ORIGINATING DEPARTMENT: CITY MANAGER

SECTION 1 - SCOPE

- 1.1** These rules shall establish the procedures for the conduct of all meetings of the City Council of the City of Morgan Hill. The purpose of these rules is to provide procedures consistent with the Ralph M. Brown Act, establish procedures which will be convenient for the public, be fair to all members of the City Council, and contribute to the orderly conduct of City business.

SECTION 2 - MEETINGS

- 2.1** Open to Public: All meetings of the City Council, whether regular or special, shall be open to the public, unless a closed session is scheduled as authorized by law.
- 2.2** Regular Meetings: The City Council shall conduct its regular meetings at the time and place established by ordinance, if specified in the ordinance or resolution.
- 2.3** Review Status of Agenda at 9:00 p.m.: The City Council may review the agenda at 9:00 p.m. to determine if it will be able to conclude its business by 10:00 p.m. If, at 10:00 p.m., the City Council has not concluded its business, before continuing the meeting it shall review and discuss the status of the remaining agenda items and determine by majority vote whether to continue any remaining items to a future regular or special meeting, adjourn the meeting to another date and time, or extend the meeting beyond 10:00 p.m. as needed. The meeting may be extended beyond 10:00 p.m. one time. Additional extensions of time will be at the Mayor's discretion.
- 2.4** Special Meetings/Workshops: A special meeting and/or workshop may be called at any time by the Mayor or Presiding Officer of the City Council or by three members of the City Council. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be made in accordance with the law.
- 2.5** Closed Sessions: The City Council may hold closed sessions during a regular or special meeting, or at any time authorized by law, to consider or hear any matter which is authorized by law. At times, Closed Sessions may have to be held in an order different than presented due to the timeliness of the matter, to save the City money when an outside attorney has been retained or due to the need for extra time to discuss and deliberate an

important closed session item. Closed session items may be continued to the conclusion of the agenda.

- 2.6 Quorum:** Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three Council members appear at a regular meeting, the Mayor, Mayor Pro Tempore in the absence of the Mayor, any member of the City Council, or in the absence of all Council members, the City Clerk or Deputy City Clerk shall adjourn the meeting to a stated day and hour.
- 2.7 Adjourned Meetings:** The City Council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment and permitted by law.

SECTION 3 - POSTING NOTICE AND AGENDA

- 3.1 Posting of Notice and Agenda:** For every regular or special meeting, the City Clerk or other authorized person, shall post a notice of the meeting specifying the time and place at which the meeting will be held and an agenda containing a brief description of all items of business to be discussed at the meeting. The notice and agenda may be combined in a single document.
- a. Posting for Regular Meetings:** For any regular meeting of the City Council, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting consistent with all Brown Act requirements.
 - b. Posting for Special Meetings:** For any special meetings of the City Council, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time set for the meeting consistent with all Brown Act requirements.
- 3.2 Location of Posting:** The notice and agenda shall be posted on the City's website and in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted materials.
- 3.3 Availability of the Agenda to the Public:** The agenda for any regular or special meeting shall be made available to the public as soon as is practical after delivery to the members of the City Council.

SECTION 4 - AGENDA CONTENTS

- 4.1 Description of Matters:** All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description of the item and the proposed action to be considered should be set forth as clearly as practical so that members of the public will know the nature of the action under review and consideration.
- 4.2 Placement of items on the agenda:** The Mayor, City Manager, or City Attorney may place items on the agenda. Members of the City Council may request items to be added to an upcoming City Council agenda by requesting an item during the "Future Council Initiated Agenda Items" Section of the agenda. When a Future Council Initiated Agenda Item is requested, the Council Member making the request will send the City Manager a brief

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summary outlining the request and any relevant background. If the requested item is not included in the current Strategic Priorities Workplan, the team will bring forward the item at a future Council Meeting within 30-45 days of the request via a brief staff report, including the brief summary provided by the requesting Council Member. At that meeting, the City Council will review the request and determine if the majority of the City Council wants the items agendaized at a future meeting for discussion.

- 4.3 Limitation to Act on Only Items on the Agenda:** No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:
- a. Upon a majority determination that an "emergency situation" (as defined by State Law) exists; and
 - b. Upon a determination by a 4/5 vote of the City Council that there is a need to take immediate action and that the need to take the action came to the attention of City officials subsequent to posting of the agenda.
- 4.4 Change in Order of Business:** The Mayor or Presiding Officer may decide to take matters listed on the agenda out of the prescribed order unless a majority of members present object to this variation.
- 4.5 City Council Reports:** On an alternating basis, at each Regular City Council meeting, with a time limit of three minutes, a Council Member has the opportunity to share with the Council and community any pertinent updates or information in regard to their appointments to outside agencies, upcoming events, or relevant City business. These are non-action items.
- 4.6 City Manager Report:** These are updates on current City activities, reports on issues raised at previous Council meetings, or recognitions. These are non-action items.
- 4.7 City Attorney Report:** These are updates on current City activities, reports on issues raised at previous Council meetings, or reportable actions of the City Council in Closed Sessions and/or current litigation. These are non-action items.
- 4.8 Other Reports:** These are pertinent updates or information on upcoming activities or events relevant to City business with a time limit of one minute. These are non-action items.
- 4.9 Public Comment for items not on the agenda:** This refers to those matters not scheduled on the agenda where a member of the public wants to address a matter of importance to the City Council. Since the matter is not on the agenda, no action by Council can be taken. If a member of Council so desires, the matter can be placed on the agenda of a future Council meeting for review and consideration.
- 4.10 Consent Calendar:** These are items of a routine or generally uncontested nature. Any member of the Council or member of the public may request to have an item pulled from the consent calendar and acted on individually by the Council. Items pulled will be discussed after action is taken on the balance of the consent calendar. The Mayor shall decide if the items are heard before or after moving on to public hearing and other business items.
- 4.11 Public Hearings:** These are matters that are duly noticed and published in a newspaper of general circulation and where required by law, written notice is given to the affected

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residents who have the opportunity to speak in favor or against a matter or ask questions about the matter.

4.12 Other Business: These are other matters of City business which are not appropriately placed on the consent calendar and do not require published notices and require Council action and direction.

4.13 Future Business: These are items that members of the City Council wish to discuss to potentially take action on or have placed on future agendas.

SECTION 5. ORDER OF BUSINESS

5.1 The order of business at meetings of the City Council shall be as follows:

- a. CALL TO ORDER
- b. ROLL CALL ATTENDANCE
- c. DECLARATION OF POSTING AGENDA
- d. WORKSHOP (if needed; 5:00-6:00 p.m., or as deemed appropriate)
- e. CLOSED SESSION (if needed; 6:00-7:00 p.m., or as deemed appropriate)
- f. SILENT INVOCATION
- g. PLEDGE OF ALLEGIANCE
- h. PRESENTATIONS
- i. PROCLAMATIONS
- j. RECOGNITIONS
- k. CITY COUNCIL REPORTS
- l. CITY MANAGER'S REPORT
- m. CITY ATTORNEY'S REPORT
- n. OTHER REPORTS
- o. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA
- p. ADOPTION OF AGENDA
- q. CONSENT CALENDAR
- r. PUBLIC HEARINGS
- s. OTHER BUSINESS
- t. FUTURE COUNCIL INITIATED AGENDA ITEMS

u. CLOSED SESSION

v. ADJOURNMENT

SECTION 6. PUBLIC COMMENT

6.1 Public Comment: Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. In addition, comments may be offered on items not on the agenda under that portion of the agenda. In accordance with State law, matters not scheduled on the agenda cannot be acted upon by the City Council, but items raised by the public during public comment may be referred to a future City Council agenda at the request of the Mayor or City Council.

6.2 Limitations: The public comment period may be 3 minutes for items on the agenda or items not listed on the agenda. Speakers are called in the order the speaker cards are submitted. Project applicants or appellants will be allowed more than the designated 3 minutes in accordance with City Council Policy 03-01. Consistent with this policy, the Mayor or Presiding Officer may recall an applicant or appellant to address questions after the public comment is heard. In addition, applicants will be given time at the end of the public hearing to address any questions or comments.

The Mayor or Presiding Officer may allow speakers who wish to speak under public comment for items not on the agenda to concede a portion of their time, specifically, one speaker may concede a portion of their time to one other speaker. For all other business items, the Mayor or Presiding Officer may allow speakers more time and/or allow speakers to concede a portion of their time to a designated speaker of a group, specifically up to two speakers may concede their time to one speaker, unless a majority of the City Council objects. Speakers that wish to designate a group speaker shall notify the City Clerk before discussion on the item begins. Additionally, any speaker that concedes their time must be present at that City Council meeting. Speaker who would like to share documents or presentations may do so by submitting said document to the City Clerk by noon on the day of the City Council Meeting. Speaker may not share videos or presentations with videos embedded within them.

6.3 Procedure: To address the City Council, each speaker is requested to fill out a Speaker Card and turn it in to the City Clerk before discussion on the agenda item begins. The speaker is requested to provide their name, contact information, and the subject(s) upon which the speaker wishes to address the City Council. Speakers who do not wish to provide their name should provide an alternative designation so that they can be called to speak by the City Clerk.

Public comment may be provided in writing for items on the agenda, as well as for items not on the agenda. Public comment in writing may be submitted via email to ccpubliccomment@morganhill.ca.gov 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. Public

comments submitted to the City Clerk after noon 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, so do not include any personal information you do not want to be posted on the web.

SECTION 7. PROCEDURES FOR THE CONDUCT OF MEETINGS

7.1 Role of the Mayor/Presiding Officer:

- a. The Presiding Officer of the City Council, who shall be the Mayor or in the Mayor's absence shall be the Mayor Pro Tempore, or in their absence any other designated member of the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed. The Presiding Officer shall maintain control of communication between Council Members and between the Council, staff, and public.
- b. Communication with Council Members:
 1. Council Members should request the floor from the Presiding Officer before speaking.
 2. When one member of the Council has the floor and is speaking, other Council Members shall not interrupt or otherwise disturb the speaker.
 3. During both questions, when one Council Member has the floor, they are limited to 5 minutes. During discussion, the Mayor and Council Members as a whole are limited to 15 minutes. The time limit may be extended at the Mayor's discretion.
 4. With the concurrence of the Mayor, a Council Member holding the floor may address a question to another Council Member. The Council Member being questioned may or may not respond while the floor is still held by the Council Member asking the question. The reply shall be limited to the question asked.
- c. The Mayor or Presiding Officer may declare that an item within the meeting will be conducted in "workshop" format, which means that the procedures described in section 7.1B do not strictly apply. This is to allow for a more open discussion without strict formalities. The Mayor or Presiding Officer may end the workshop format for the item at his/her discretion.
- d. Communication with Members of the Public Addressing the Council
 1. The Mayor or Presiding Officer shall open the floor for public testimony as appropriate.
 2. After a witness or subject matter expert has addressed the City Council during public comment, Council members may only ask questions of witnesses or

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subject matter experts. Such questions should be directed to the person through the Presiding Officer unless the Presiding Officer grants the Council Member permission to directly question the person.

3. Staff members, through the City Manager, shall be a resource to the City Council to answer questions arising during discussions between Council Members and between Council Members and members of the public. Communications in this regard shall be through the Presiding Officer.
4. Members of the public shall direct their questions and comments through the Presiding Officer.
- 7.2 Rules of Order: The City Council adopts no specific rules of order except those listed herein. The City Council shall refer to The Standard Code of Parliamentary Procedure by Alice Sturgis (McGraw Hill) as a guide for the conduct of meetings. The Sturgis guideline regarding not requiring seconds for governmental bodies' motions, resolutions or ordinances is not adopted as the rule in the City. The Mayor or Presiding Officer has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Council members present.
- 7.3 Motions: The Mayor or any member of the City Council may bring a matter of business on the agenda before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for full debate offering the first opportunity to debate to the moving party and, thereafter, to any Council Member recognized by the Mayor or Presiding Officer. Debate shall be closed upon consent of a majority of the Council.
- 7.4 Reconsideration: Immediately after a vote on a matter, any member of the City Council may request to have his/her vote changed on a matter before the Council moves on to the next item. Such a request will be granted by the Mayor or Presiding Officer unless a majority of the Council objects.

A matter may be reconsidered by the City Council if a member on the prevailing side of the vote requests reconsideration. Such a motion may be made at a meeting where such action is taken or at a subsequent meeting of the Council, however, nothing in this policy precludes the majority of members of the City Council from requesting reconsideration of any item.

7.5 Debate:

- a. The discussions and deliberations at meetings of the City Council are to secure the informed judgement of Council members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

Debate is regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

- b. Obtaining the Floor for Debate:

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As soon as a debatable motion has been stated to the Council by the Mayor or Presiding Officer, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor or Presiding Officer. A member who has been recognized is entitled to be heard so long as he/she observes the rules of debate.

c. Speaking More Than Once:

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council member has already spoken and other members wish to speak, the latter members should be recognized in preference to the member who has already spoken. However, if no other members seek recognition, the Mayor or Presiding Officer may recognize the member who has already spoken.

d. Relevancy of Debate:

All discussion must be relevant to the motion before the City Council. A member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. The Mayor or Presiding Officer should then direct the speaker to limit discussion to the question before the City Council.

A motion-its nature or consequences-may be attacked vigorously. But it is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor or Presiding Officer instantly to stop any member who engages in personal attacks. It is the motion, not its proposer, that is the subject of debate. Meetings must discuss measures and ideas, not people.

Arguments, for or against a measure, should be stated as concisely as possible.

Debate must be fundamentally impersonal. All discussion is addressed to the Mayor or Presiding Officer and must never be directed to any individual.

e. Mayor's Duties During Debate:

The Mayor or Presiding Officer has the responsibility of controlling and expediting debate. A Council member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor or Presiding Officer to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

SECTION 8. DECORUM

- 8.1 Council Members: Members of the City Council value and recognize the importance of the trust invested to them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council.

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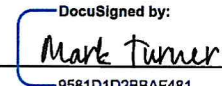
- 8.2** City Employees: Members of City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Council Members and members of the public.
- 8.3** Public: Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.
- 8.4** Noise in the Chamber: Noise emanating from the audience within the Council Chamber or lobby area, which disrupts City Council meetings, shall not be permitted.
- 8.5** Sergeant-at-Arms: The Chief of Police, or his/her designated representative shall be ex-officio Sergeant-at-Arms of the City Council.

SECTION 9. VIOLATIONS OF PROCEDURES

- 9.1** Nothing in these policies and procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This policy shall remain in effect until modified by the City Council.

APPROVED:

DocuSigned by:

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MARK TURNER, MAYOR

From: [Christina Turner](#)
To: [Hilary Holeman](#)
Subject: FW: Future Agenda item
Date: Thursday, October 24, 2024 6:26:05 PM

From: Rene Spring <rspring@cadence.com>
Sent: Friday, September 6, 2024 12:32 PM
To: Christina Turner <Christina.Turner@morganhill.ca.gov>
Cc: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: re: Future Agenda item

Christina,

As proposed at the Council Meeting on 9/4, I'd like a discussion as a future agenda item for the council to consider an ordinance to expand the recently adapted ordinance to prohibit smoking in multi-family homes to any home within Morgan Hill City limits .

I believe the request is straight forward and hope it's all you need from me to further follow up on it.

Thank you.

Rene

Rene Spring (he/him/his)
Program Management Director
T: 408.894.2602
M: 408.838.3021

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