



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 20, 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

CITY COUNCIL REPORTS

Council Member Martinez Beltran

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. ACCEPT COMMUNITY PARK PICKLEBALL COURTS PROJECT

Recommendation:

1. Accept as complete the Community Park Pickleball Courts Project;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

2. APPROVE ACQUISITION OF EASEMENT FROM THE CITY OF GILROY FOR THE RELIEF SEWER TRUNK LINE

Recommendation:

1. Authorize the City Manager to acquire an easement from the City of Gilroy for property for the City's future relief sewer trunk line; and
2. Authorize the City Manager to execute all documents and make minor modifications, with approval of the City Attorney, as necessary in order to consummate the transaction.

3. ADOPT WEED ABATEMENT RESOLUTION

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing for January 15, 2025.

4. APPROVAL OF MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION, ELECTED OFFICIALS AND COUNCIL APPOINTED AND PART-TIME TEMPORARY AND SEASONAL EMPLOYEES SALARY SCHEDULES

Recommendation:

1. Approve the Management, Professional, and Confidential Employees Resolution effective December 22, 2024;
2. Approve the Part-Time Temporary and Seasonal Employees salary schedule effective December 22, 2024; and
3. Approve the Elected Officials and Council Appointed salary schedules effective June 23, 2024 and December 11, 2024.

5. **APPROVE AMENDMENT TO PROPERTY USE AGREEMENT WITH THE SANTA CLARA VALLEY HABITAT AGENCY**

Recommendation:

Authorize the City Manager to execute a property use agreement amendment with the Santa Clara Valley Habitat Agency.

6. **APPROVE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBER AND CONFERENCE ROOMS**

Recommendation:

Approve City Council Policy, "Code of Conduct for Public Meetings in the Council Chamber and Conference Rooms."

7. **APPROVE COMMUNITY PLAYHOUSE LICENSE AGREEMENT WITH SOUTH VALLEY CIVIC THEATRE**

Recommendation:

Authorize the City Manager to execute and administer the license agreement through December 2027 with South Valley Civic Theatre.

8. **APPROVE FIRST AMENDMENT TO THE CONSULTANT AGREEMENT WITH ENGEIO, INC. FOR DESIGN PROFESSIONALS TO INCREASE THE AMOUNT BY \$150,000 FOR A TOTAL AGREEMENT OF \$550,000**

Recommendation:

1. Approve the first amendment to the consultant agreement for design professionals with Engeo, Inc. to increase the amount by \$150,000 for a total agreement of \$550,000; and
2. Authorize the City Manager to execute and administer the first amendment with Engeo, Inc.

9. **APPROVE THE EASEMENT ACQUISITION FROM SANTA CLARA COUNTY FOR THE NEW BUTTERFIELD FIRE STATION**

Recommendation:

1. Authorize the City Manager to acquire an easement from Santa Clara County for access to the City's new Fire Station on Butterfield Boulevard; and
2. Authorize the City Manager to execute all documents and make minor modifications, with approval of the City Attorney, as necessary in order to consummate the transaction.

10. **APPROVE THE NOVEMBER 6, 2024 CITY COUNCIL MEETING MINUTES**

Recommendation:
Approve minutes.

11. **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;
2. Amend the Adopted Fiscal Year (FY) 2024-25 Budget in the Equipment Replacement Fund (Fund 790), appropriating \$97,770, 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.

12. **AUTHORIZE THE CITY MANAGER TO ENTER INTO A NEW AGREEMENT WITH SUN RIDGE SYSTEMS, INC. FOR COMPUTER AIDED DISPATCH (CAD) AND RECORDS MANAGEMENT SYSTEM (RMS) IN THE AMOUNT OF \$779,484**

Recommendation:

Authorize the City Manager to execute and administer an agreement with RIMS Law Enforcement Records Management System by Sun Ridge Systems, Inc. for a new CAD/RMS.

13. **AWARD A WATER USE DATA TRACKING MANAGEMENT AND COMMUNICATION SOFTWARE AGREEMENT TO AQUATRAX IN THE AMOUNT OF \$175,000**

Recommendation:

1. Authorize the City Manager to execute an agreement for \$175,000 with Aquatrax for use of their customer water use data tracking management and communication platform for a 5-year term; and
2. Authorize the City Manager to approve minor scope adjustments prior to entering into the final Aquatrax contract.

14. **AWARD CONTRACT TO APEX COMPANIES, LLC FOR THE INSTALLATION OF SMALL TRASH CAPTURE DEVICES IN THE AMOUNT OF \$287,000**

Recommendation:

1. Approve the Installation of Small Trash Capture Devices Project plans and specifications;

2. Award contract to Apex Companies, LLC for the Installation of Small Trash Capture Devices Project in the amount of \$287,000;
3. Authorize expenditures of construction contingency not to exceed \$28,700; and
4. Authorize the City Manager to execute and administer the construction contract with Apex Companies, LLC.

15. AWARD CONTRACT TO EURO STYLE MANAGEMENT FOR THE 2025 ENCINO TANK REHAB PROJECT IN THE AMOUNT OF \$780,850

Recommendation:

1. Award contract to Euro Style Management for the 2025 Encino Tank Rehab Project in the amount of \$780,850;
2. Authorize expenditure of construction contingency funds not to exceed \$78,085; and
3. Authorize the City Manager to execute and administer the construction contract with Euro Style Management.

16. RECEIVE REPORT REGARDING UPCOMING 2025 COMMISSION VACANCIES PER MADDY ACT

Recommendation:

Receive report.

PUBLIC HEARINGS

17. CERTIFY THE ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND INTRODUCE ORDINANCE CREATING A PLANNED DEVELOPMENT AND MASTER PLAN FOR 320 NEW RESIDENTIAL LOTS OF VARYING SIZES ON A 69.4-ACRE SITE LOCATED ON THE NORTHWEST QUADRANT OF HILL ROAD AND BARRETT AVENUE IDENTIFIED BY APN: 817-20-031

Recommendation:

1. Open/close public hearing;
2. Adopt a Resolution certifying the Environmental Impact Report (EIR), approve the Mitigation Monitoring and Reporting Program prepared for the project, and adopt Findings of Fact and Statement of Overriding Considerations;
3. Waive the first and second reading of the Ordinance for a Zoning Amendment to create a Planned Development with Standards and Master Plan; and

4. Introduce an Ordinance for a Zoning Amendment to create a Planned Development with Standards and Master Plan.

18. INTRODUCE ORDINANCE (ZA2024-0003) ESTABLISHING CHAPTER 18.78 (STANDARDS FOR PUBLIC ARTS) WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING THE REQUIREMENT OF PUBLIC ART IN NEW LAND DEVELOPMENT PROJECTS

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance; and
3. Introduce Ordinance.

OTHER BUSINESS

19. APPROVE THE RENAMING OF MORGAN HILL DOWNTOWN AMPHITHEATER IN HONOR OF COMMUNITY VOLUNTEER RICH FIRATO

Recommendation:

Approve or do not approve the renaming of the Morgan Hill Downtown Amphitheater to the Rich Firato Downtown Amphitheater.

20. REVIEW AND APPROVE TRANSPORTATION MASTER PLAN

Recommendation:

1. Review and provide comments on Transportation Master Plan; and
2. Approve Transportation Master Plan.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

CLOSED SESSION

Conference with Legal Counsel – Existing Litigation (§ 54956.9)

William Norman v. City of Morgan Hill: Workers Compensation Claim
Nos. MHL1500009 & MHL2400009

OPPORTUNITY FOR PUBLIC COMMENT

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