



Special/Regular Meeting Agenda
City Council

<i>Mark Turner</i>	-	<i>Mayor</i>
<i>Yvonne Martínez Beltrán</i>	-	<i>Mayor Pro Tem</i>
<i>Soraida Iwanaga</i>	-	<i>Council Member</i>
<i>Marilyn Librers</i>	-	<i>Council Member</i>
<i>Miriam Vega</i>	-	<i>Council Member</i>

Wednesday, February 19, 2025 5:00 PM

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

Morgan Hill City Council meetings are held in person with the option for the public to attend in-person or participate by teleconference/video conference. Information on how the public may observe and participate in the meeting is below.

MEETING PARTICIPATION

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

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

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

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

PUBLIC COMMENT

Public comment may be offered verbally at the meeting or in writing before the meeting. Public comment is limited to three minutes, but the Mayor may adjust time limits for individual or total comments while ensuring all viewpoints are heard, encouraging speakers to avoid repetition, and allowing a designated spokesperson for organized support or opposition to present longer if needed.

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

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

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

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

Written public comment may be submitted to the City Clerk:

- In person at the City Council Meeting;
- Via email to ccpubliccomment@morganhill.ca.gov; or
- Hand delivered or mailed to the City Clerk at 17575 Peak Avenue, Morgan Hill, CA 95037

Please email your comments to the City Clerk no later than 3:00 p.m. on Tuesday (the day before the City Council meeting) so that your comments can be submitted to the members of the City Council with sufficient time to review them. You may continue to provide written comments up to noon on Wednesday (the day of the meeting), although Council Members may not have sufficient time to review them before the meeting. Public comments submitted to the City Clerk after noon (12:00 p.m.) the day of the meeting will be provided to the City Council as time allows.

Written comments WILL NOT be read aloud during the City Council Meeting. Please note that written comments are posted on the City's website. It is recommended that you do not include any personal information that you do not want to be posted on the web. Please be advised that communications directed to the City Council are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions and will be printed/posted as submitted.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and

you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259 or by email at cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two full business days before the start of the meeting.

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 5:00 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

5:00 p.m. Closed Session

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

CLOSED SESSION

Conference with Legal Counsel—Existing Litigation (§54956.9)

Mary Volz v. RJ Cassiba, et al.

Santa Clara County Case No. 23-CV-413053

Esmerelda Johl v. City of Morgan Hill, et al.

Santa Clara County Case No. 23-CV-428058

Conference with Legal Counsel—Anticipated Litigation

Initiation of litigation pursuant to § 54956.9(c):

(One Case)

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

REGULAR MEETING

6:00 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Aquatics Foundation donation
Dairy Delight

PRESENTATIONS

YAC Presentation

CITY COUNCIL REPORTS

Mayor Pro Tem 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 \$30,000 DONATION FROM THE FRIENDS OF MORGAN HILL SENIOR CENTER**

Recommendation:

1. Accept a \$30,000 donation from the Friends of the Morgan Hill Senior Center to support services at the Centennial Recreation Senior Center; and
2. Authorize the City Manager to execute any agreements necessary for donation acceptance.

2. **ACCEPT DONATION OF NEW POOL LANE LINES VALUED AT \$17,089 FROM THE MORGAN HILL AQUATIC FOUNDATION**

Recommendation:

Accept donation of lane lines from the the Morgan Hill Aquatic Foundation valued at \$17,089.

3. **ACCEPT THE POLICE DEPARTMENT BUILDING EXPANSION PROJECT IN THE AMOUNT OF \$245,771**

Recommendation:

1. Accept the Police Department Building Expansion Project by Jahn Plumbing, Inc. as complete;
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.

4. **ADOPT ORDINANCE NO. 2362, NEW SERIES, AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING UPDATES TO ACCESSORY DWELLING UNIT PROVISIONS TO COMPLY WITH SENATE BILL 477 AND SENATE BILL 1211; IMPLEMENTING REPRODUCTIVE HEALTH COMMUNITY CLINICS BY-RIGHT TO COMPLY WITH ASSEMBLY BILL 2085; UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 2097; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES**

Recommendation:

Waive the reading, adopt Ordinance No. 2362, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

5. **APPROVE FINAL MAP FOR THE GATES - TRACT NO. 10627 AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT**

Recommendation:

1. Approve the Final Map;
2. Approve a Subdivision Improvements Agreement with CITY VENTURES HOMEBUILDING LLC, a Delaware Limited Liability Company;
3. Authorize the City Manager to execute the Subdivision Improvements Agreement; and

6. **APPROVE PROFESSIONAL SERVICES AGREEMENT WITH HYDROSCIENCE ENGINEERS FOR THE GLEN AYRE RESERVIOR PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED \$417,019**

Recommendation:

1. Approve Service Agreement for Design Professionals with HydroScience Engineers, Inc. for a total not to exceed contract amount of \$417,019 to design the Glen Ayre Reservoir Project; and
2. Authorize the City Manager to execute and administer the Service Agreement for Design Professionals with HydroScience Engineers, Inc. for the Glen Ayre Reservoir Project.

7. **APPROVE THE FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE DAKOTA DUNNE RESIDENTIAL SUBDIVISION (APN 726-09-104, -105, AND -106)**

Recommendation:

1. Approve the First Amendment to the Subdivision Improvements Agreement for the Dakota Dunne Residential Subdivision;
2. Authorize the City Manager to execute the First Amendment to the Project's Subdivision Improvements Agreement with Michael F. Dunne, Jr. and Jonna M. Dunne; and
3. Authorize the recordation of the First Amendment to the Subdivision Improvements Agreement.

8. **APPROVE THE FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE SABINI COURT RESIDENTIAL SUBDIVISION (APN: 773-32-017, -018, -019, AND -020)**

Recommendation:

1. Approve the First Amendment to the Subdivision Improvements Agreement for the Sabini Court Subdivision;
2. Authorize the City Manager to execute the First Amendment to the Project's Subdivision Improvements Agreement with Strolata Properties, LLC; and

3. Authorize the recordation of the First Amendment to the Subdivision Improvements Agreement.

9. **APPROVE CITY COUNCIL ASSIGNMENTS TO OUTSIDE AGENCIES FOR 2025**

Recommendation:

1. Approve the City Council assignments to Outside Agencies; and
2. Direct the City Clerk to notify the appropriate agencies of the updated assignments and update the Form 806 as necessary.

10. **APPROVE THE JANUARY 15, 2025 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve minutes.

11. **AWARD MORGAN HILL MAGICAL BRIDGE SHADE STRUCTURE PROJECT TO G&G BUILDERS INC. IN THE AMOUNT OF \$392,933**

Recommendation:

1. Approve the Morgan Hill Magical Bridge Shade Structure Project Plans and Specifications;
2. Award contract to G&G Builders Inc. in the amount of \$392,933;
3. Authorize the expenditure of construction contingency funds not to exceed \$100,000;
4. Authorize the City Manager to execute and administer the construction contract with G&G Builders Inc.

12. **RECEIVE ANNUAL REPORT ON 2024 CITY ENGINEER ACCEPTANCES OF PUBLIC IMPROVEMENTS COMPLETED BY PRIVATE DEVELOPMENT PROJECTS**

Recommendation:

Accept and file Annual Report on 2024 City Engineer acceptances of public improvements completed by private development projects.

PUBLIC HEARINGS

13. **ADOPT RESOLUTION AMENDING THE TEXT OF THE MORGAN HILL 2035 GENERAL PLAN TO ELIMINATE THE FLOOR AREA RATIO FOR THE MIXED USE FLEX LAND USE DESIGNATION AND INTRODUCE ORDINANCE (ZA2024-0002) AMENDING CHAPTER 12.32 (RESTRICTIONS ON REMOVAL OF SIGNIFICANT TREES); AMENDING SECTIONS 17.20.040 (FORM AND CONTENTS) AND 17.24.030 (FORM AND CONTENTS)**

**RELATING TO TENTATIVE MAPS WITHIN TITLE 17 (SUBDIVISIONS)
IMPLEMENTING MINOR AMENDMENTS DUE TO INCONSISTENCIES WITH
CHAPTER 12.32 PROPOSED AMENDMENTS; AND AMENDING TABLE
18.22-2 (DEVELOPMENT STANDARDS IN MIXED USE ZONING DISTRICTS)
WITHIN SECTION 18.22.040 (DEVELOPMENT STANDARDS) TO REMOVE
THE MAXIMUM FLOOR AREA RATIO (FAR) AND BUILDING COVERAGE
WITHIN THE (MIXED USE FLEX) MU-F ZONING DISTRICT**

Recommendation:

1. Open/close the public hearing;
2. Adopt a Resolution approving an amendment to the text of the Morgan Hill 2035 General Plan to eliminate the Floor Area Ratio for the Mixed Use Flex land use designation;
3. Waive first and second reading of the Ordinance Amendment; and
4. Introduce Ordinance Amendment.

OTHER BUSINESS

**14. 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:

Adopt a resolution protecting the rights and safety of immigrant communities.

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